

FINAL ENVIRONMENTAL ASSESSMENT

(File No. 200500656)
Applicant: City View at Riverwalk, LLC

PROPOSED PRIVATE MARINA, DREDGING, BANK STABILIZATION,
AND STORMWATER OUTFALL AT MILE 647.2, LEFT BANK, TENNESSEE RIVER (FORT
LOUDOUN LAKE), IN KNOXVILLE, KNOX COUNTY, TENNESSEE, USGS KNOXVILLE-TN 7.5
MINUTE SERIES QUADRANGLE MAP, LAT 35° 56' 43", LON 83° 55' 28"

U.S. ARMY CORPS OF ENGINEERS
Nashville District, Regulatory Branch
in cooperation with the

TENNESSEE VALLEY AUTHORITY

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29 September 2006

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1.0 Proposed Activity

1.1 Background. Camden Management Partners (CMP) proposes to construct a mixed use residential and commercial development at the present Knoxville Glove Company site located adjacent to Tennessee River Mile (TRM) 647.2, left bank (LB), Fort Loudoun Lake, in Knoxville, Knox County, Tennessee. The project would include the construction of a commercial marina, maintenance of the riprapped shoreline, phased condominium unit development, a restaurant, and a motel. On 10 February 2005, CMP applied for a Department of the Army (DA) permit and Tennessee Valley Authority (TVA) Section 26a approval to construct and operate a private marina and maintain the riprapped shoreline. The marina facility would consist of a maximum of 204 covered boat slips, transient docking, and a 2,400 square-foot (SF) ship store/rowing boathouse. In addition, fueling and pump out facilities were planned. Approximately (approx.) 125 cubic yards (CY) of riprap would be installed to repair the existing bank stabilization along the 847' long shoreline. The top of the protection would be at Elevation (El.) 813 feet (Fort Loudoun Lake's normal summer pool (NSP)) and the bottom at El. 809 feet. An existing floating dock located at the downstream end of the property would be removed. This dock is presently used by the Knoxville Rowing Club. The existing boat ramp at this area would remain. A pedestrian walkway would be constructed at the top of the existing bank at El. \pm 830 feet. Another floating walkway connecting the slips would be located along the bank. Access to the marina would be by stairs or handicap and golf cart ramp. Joint Public Notice (JPN) 05-18 was issued on 14 April 2005 to advertise the proposed activities (Appendix A).

Concerns about the proposal were received from the University of Tennessee Women's Athletic Department (UTWAD), Rinker Materials South Central, Inc. (Rinker), Tennessee Wildlife Resources Agency (TWRA), and several individuals. The main objections involved water quality, water safety, navigation impacts, and interference with an adjacent barge terminal facility operation. To address the concerns raised, CMP modified their original request by reducing the number of slips and changing the layout and amenities offered at the proposed facility. However, the need to perform dredging and install a stormwater outfall pipe was identified. CMP indicated that the project would be operated by a corporation known as City View at Riverwalk, LLC (City View).

1.2 Project Changes. On 26 May 2006, JPN 06-51 was issued to advertise the changes requested by City View (Appendix B). In the revised proposal, City View proposes to construct a facility containing a maximum of 96 covered boat slips (28 private for the condominium owners and 68 public), a 2,400 SF ship store/rowing boathouse, and fueling and sewage pump out facilities. The docks would contain slips measuring 20'-32' wide by 24'-40' deep. The main walkways and slip fingers would be 6' and 4' wide, respectively. Slips would be covered with pre-engineered metal roofing. Slips and walkways would be concrete or truss framed with composite decking and encapsulated flotation. All structures within the water would be floating, anchored by spud poles. Surface booms across the easternmost slips are proposed to aid in debris cleanup. A floating breakwater is proposed parallel to the shoreline. The docks would be constructed during developmental phases 1 and 2.

As in the original proposal, the existing floating dock used by the Knoxville Rowing Club (located at the downstream end of the property) would be removed. In addition, the existing boat ramp would be removed. A pedestrian walkway would be constructed at the top of the existing bank at El. \pm 830 feet. Access to the marina would be by stairs and handicap and golf cart ramp.

Dredging of the channel in the vicinity of the proposed marina will be required to ensure sufficient navigation depths. Approx. 25,000 CY of bottom material would be removed from an area meas-

uring approx. 175' wide by 900' long. The area would be deepened to bottom El. 801 feet, i.e., 12' below Fort Loudoun Lake's NSP, El. 813 feet. A barge-mounted tracked excavator and clamshell crane would be used to perform the dredging. The material would be placed on a barge and transported offsite to an appropriate disposal site. Bottom sediment samples will be obtained to ascertain whether contaminants are present. A decision will be made regarding removal methods and the suitability of the disposal area. If river currents allow, silt curtains would be installed on the downstream side of the work area to minimize turbidity.

Approx. 125 CY of riprap would be installed to repair the existing bank stabilization along the 847' long shoreline. The top of the protection would be at NSP (El. 813) and the bottom at El. 806.

Precipitation runoff from the development will be collected in a pipe system, treated as per city of Knoxville's requirements, and discharged by pipe outfall directly into the river. A 36" diameter concrete discharge pipe and headwall would be installed at the downstream end of the development. The invert elevation of the pipe would be EL. 813. The headwall would be constructed even with the bank and protected with riprap.

1.3 Final Proposal. Objections/comments in response to JPN 06-51 were received from TWRA, U.S. Fish and Wildlife Service (USFWS), UTWAD, Rinker, and a concerned individual. As with the first JPN, the main objections involved water quality, water safety, navigation impacts, and interference with the adjacent barge terminal facility operation. A new issue was raised by TWRA and USFWS regarding elimination of shallow-water habitat. To address the concerns raised, City View has modified its request by making the marina facility private, reducing the number of slips to 91, and closing the breakwater entry/exit point at the upstream end of the marina. City View's request described in JPN 06-51 along with the project changes identified in sections 1.2 and 1.3 are considered, for purposes of the review contained in this document, as the "Applicant's Final Proposal".

1.4 Decision Required. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) prohibits the alteration or obstruction of any navigable water of the United States unless authorized by the Secretary of the Army acting through the Chief of Engineers. The Tennessee River (TR) at Mile 647.2 is a navigable water of the United States as defined by 33 CFR Part 329. A DA permit under Section 10 is required for the work. Therefore, the Corps of Engineers (Corps) must decide on one of the following:

- issuance of a permit for the proposal
- issuance of a permit w/modifications or conditions
- denial of the permit

The bank stabilization (riprap) activity included in this application has been previously authorized for purposes of Section 10 and Section 404 of the Clean Water Act (33 USC 1344) by existing Nationwide Permit 13 [January 15, 2002, Federal Register, Issuance of Nationwide Permits; Notice (67 FR 2020)].

1.5 Other Approvals Required.

1.5.1 All construction activities proposed in or along the Tennessee River or its tributaries require TVA approval under Section 26a of the TVA Act (16 USC 831y-1). TVA has not yet issued the requested 26a approval.

1.5.2 As required by the Tennessee Water Quality Control Act of 1977 (T.C.A. § 69-3-101 et seq), authorization is necessary from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (TDEC), for the proposed bank stabilization and dredging activities. An individual Aquatic Resources Alteration Permit (ARAP) would be necessary from TDEC for these activities.

1.6 Scope of Analysis. The Corps must determine the proper scope of analysis for National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), and any other laws related to its permit actions. Once the scope of analysis is established, the Corps can address the impacts of the specific activity requiring a DA permit and those portions of the entire project over which we have sufficient control and responsibility to warrant federal review. This is generally coincidental with the definition for "Permit Area". NEPA Implementation Procedures for the Corps Regulatory Program (33 CFR 325, Appendix B, Paragraph 7b) list the typical factors to be considered in determining whether sufficient control and responsibility exists to warrant federal review: (a) whether the regulated activity comprises merely a link in a corridor type project, (b) whether there are aspects of the upland facility in the immediate vicinity of the regulated activity which affect the location and configuration of the regulated activity, (c) the extent to which the entire project will be within Corps jurisdiction, and (d) the extent of cumulative federal control and responsibility. In determining whether sufficient cumulative federal involvement exists to expand the scope of federal action outside the "Permit Area", we should consider whether other federal agencies are required to take federal action under other environmental review laws and/or executive orders.

Once the scope of analysis is determined, alternatives to the proposed action (Section 4) and primary, secondary, and cumulative impacts (Section 3.5) must be considered in the appropriate NEPA analysis. However, when analyzing secondary impacts, the strength of the relationship between those impacts and the regulated portion of the activity should be considered, i.e., whether or not the impacts are likely to occur even if the permit is not issued, in deciding the level of analysis and what weight to give these impacts in the decision. This attenuation should consider whether another project, not requiring a permit, could likely occur at the site or in the vicinity, and whether its impacts would be similar to impacts of the project requiring a permit.

The proposed action consists of the construction of a private marina, relatively minor filling activities associated with the proposed riprap maintenance, dredging, and installation of a stormwater outfall pipe. In light of the above discussion, we have determined that the scope of analysis for this DA permit application should be limited to the "Permit Area", which includes the shoreline, near-shoreline, and river channel affected by riprap maintenance and dredging, and also the immediate upland areas directly impacted by the construction of the marina and stormwater outfall pipe.

1.7 Site Inspection. A site inspection is generally performed in connection with the processing of all standard DA permit applications. The Corps and TVA performed a joint site inspection on 30 September 2004. The Corps conducted an additional inspection on 1 September 2006. Inspection photographs for both dates have been attached under Appendix C.

2.0 Public Involvement Process

2.1 General. On 14 April 2005, the Corps issued JPN No. 05-18 to advertise the originally proposed activities (Appendix A). Since CMP made project changes resulting in a substantial

increase in the scope of the proposed activities, we determined that a new public notice would be necessary. The new notice, JPN 06-51 was issued on 26 May 2006. Both JPNs were distributed to a wide list of interested parties that included federal, state, and local agencies, elected officials, private/public organizations, news agencies, commercial navigation interests, adjacent property owners, and individuals. Comments were received in response to both JPNs. When comments to both notices were received from the same commenter, we have combined all different issues raised into a single comment. All comments have been summarized below and a copy included in Appendix D. A Corps response to the comments, where appropriate, follows.

2.2 Public Notice Comments.

2.2.1 THC. In response to JPN 05-18, THC indicated on 25 April 2005 that to complete its review of the undertaking an archaeological report of the area of potential effect will be necessary. In a 5 June 2006 letter responding to JPN 06-51, THC indicated that based on information provide in a site archaeological survey report, it concurred that the project area contained no archaeological resources eligible for listing in the National Register of Historic Places (NRHP). Response: None required.

2.2.2 USFWS. In response to JPN 05-18, USFWS commented on 13 May 2005 that it did not anticipate significant adverse impacts on fish and wildlife resources and that Endangered Species Act requirements had been fulfilled. In a 7 June 2006 letter responding to JPN 06-51, USFWS restated its original conclusions and in addition recommended that City View mitigate for the loss of shallow-water habitat due to dredging by placing spawning benches in suitable nearby areas of the lake following TWRA guidelines. Response: City View has agreed to install the number of spawning benches required by TWRA. The actual location(s) would be determined by TWRA Region IV fisheries personnel.

2.2.3 Ann H. Hansen, Jan Kaman, and Sally B. Hunter. In separate letters they responded to JPN 05-18 expressing similar concerns for increased water pollution and boat wake which could affect the safety of rowers, particularly the Lady Vols rowing team (LVRT). In a 12 June 2006 letter responding to JPN 06-51, Ms. Kaman indicated similar concerns than in her first letter and asked that the number of slips be limited to less than 50. Response: As expressed in this document, the construction of the marina would result in relatively minor long-term water quality impacts mainly from the inadvertent spillage of petroleum products from boats. The applicant has stated that a marina sewage pump-out station will be installed and operated according to recommended TVA Clean marina guidelines as well as city of Knoxville environmental regulations. The proposed stormwater outfall could also contribute to water quality degradation. TDEC is responsible for enforcing state standards for construction sites and storm water runoff under Section 402 of the Clean Water Act (CWA). Impacts would be relatively minor since river currents would help disperse these products and discharges quickly in the water column. Concerning rowers' safety, City View cannot economically justify the project by reducing the number of slips any further. However, it has agreed to post warning signs alerting of rowers in the area, post schedules of practice times, regattas or other public rowing and water events, and provide contact numbers for appropriate personnel to maintain open communication and address any concerns or complaints. We believe that the proposed measures would substantially reduce any safety concerns.

2.2.4 Frantz, McConnell & Seymour, LLP. Responding to JPN 05-18 on behalf of Rinker Materials South Central, Inc. (Rinker), this company expressed concerns for potential boater interference on Rinker's barge terminal. The terminal is located immediately downstream of the proposed work site. At issue also was the possibility that some applicant's slips appear to en-

croach into terminal property. In a letter dated 12 June 2006, Rinker responded directly to JPN 06-51 restating the previous comments and asking that steps be taken to prevent possible trespass onto its property by City View clients. Response: As described in detail in Section 2.3, Applicant's Rebuttal, City View acknowledges Rinker's concerns and proposes to identify, notify, and post the limits of the marina for all vessel owners and users. An existing chain link fence will be maintained in place at the common property line with Rinker, and "no trespassing" signs will be installed if Rinker so requests. Finally, City View will furnish Rinker with contact names and numbers of appropriate in charge personnel during and after construction to maintain an open communication policy and remedy and concerns and complaints. We believe that by implementing the above measures impacts on Rinker's operation will be relatively minor.

2.2.5 UTWAD. In response to JPN 05-18, UTWAD commented on 11 May 2005 that increased boat traffic and decreased maneuvering room would pose a safety risk to the LVRT. Subsequently, in a letter dated 10 June 2006, UTWAD responded to JPN 06-51 expressing concerns for increased water pollution in this area. UTWAD indicated that it has verbally expressed its concerns to City View representatives and have asked them to reduce the marina by three slips on both sides of the dock at the downstream end and shorten the breaker wall in an effort to remain as parallel as possible to the bank line. Response: The concerns expressed by UTWAD are pertinent and must be fully considered. As indicated in Section 2.3 (Applicant's Rebuttal), City View is very concerned with rower safety and pollution. To address those issues, and after discussions with UTWAD, City View proposes several immediate and future mitigative actions. Some of these actions/measures have already been incorporated into the most recent plan revisions. City View proposes the following mitigative actions: a) reduce the number of slips from 204 to 91; b) reduce the number of boat entry/exit points from nine to two; c) install a wave break to assist directing boat traffic and diminish wave action at the fueling and pump out area; d) increase the distance from the marina to the closest rowing lane to a minimum of 50'; e) reduce maximum marina encroachment from 280' to 205' (measured from the NSP bank); f) construct and operate the marina under the strictest operating and environmental regulations (the marina will be applying for and operate under TVA's "Clean Marina" guidelines); and g) communicate to the boat owners/operators by written policy, signage, and other means the presence of rowers in the area. City View will provide LVRT and any other river users contact information, actively post event schedules with site signage, work with the Coast Guard and other local authorities on boater safety and enforcement, and maintain safety equipment and environmental clean up materials as required. We believe that City View's plan is sound and addresses the concerns expressed by UTWAD.

2.2.6 Dr. Bryan C. Hathorn. In a letter received 16 May 2005, Dr. Hathorn responded to JPN 05-18 stating that the project would have negative impacts on water quality, fish and wildlife, navigation, rowers' safety, land use, and traffic safety. He acknowledged, however, that development of the south river shoreline is inevitable, and the proposal would generate tax benefits. Response: We have evaluated the water quality and rower safety issues in previous comments. Concerning fish and wildlife impacts, we believe that while impacts on wildlife would be minimal, aquatic habitat impacts would be substantial. However, the adverse effects would be mostly temporary. In addition, City View has agreed to mitigate for the elimination of shallow-water habitat by installing 96 spawning benches under the direction of TWRA. Land use impacts would be minimal since the site is in the midst of a mixture of commercial, industrial, and residential properties. By letter dated 29 August 2006, the city of Knoxville indicated that the proposed marina is consistent with the city's waterfront development plan adopted by the Knoxville City Council (Appendix E). On traffic safety, although we believe that area streets can accommodate the projected traffic increase, we rely on local governments decisions involving traffic capacity and safety.

Finally, we believe the design changes implemented along with the mitigative actions offered by City View (discussed in preceding paragraph) have reduced the potential navigation impacts to an acceptable level. For more discussion on the navigation subject, see Section 3.4.

2.2.7 TWRA. In response to JPN 05-18, TWRA commented on 20 May 2005 suggesting that a minimum no-wake zone, and possibly a wave-break structure, should be added. In a letter dated 13 June 2006, TWRA responded to JPN 06-51, expressing concerns about the cumulative loss of productive shallow-water habitat due to dredging. To partially mitigate for the loss, TWRA recommended the construction and placement of spawning benches at a recommended 4:1 ratio by acreage. Based on approx. 3.62 acres of impact (175' x 900') and a typical 100' spacing, TWRA estimates that 116 spawning benches would be required (8 benches/acre x 3.62 acres x 4). The location and placement of these structures should be coordinated with Region IV fisheries personnel (telephone number: 423/587-7037) to ensure the best results. Finally, TWRA requested permit denial if the applicant fails to agree with the above conditions. Response: Following TWRA's advice, City View has redesigned the original marina layout to incorporate a floating breakwater along the entire length of the marina. The structure would minimize potential wake damage. In addition, to mitigate for the loss of aquatic habitat, City View has agreed to install, under TWRA direction, 96 spawning benches in areas of Fort Loudoun Lake.

2.3 Applicant's Rebuttal.

2.3.1 JPN 05-18. On 24 May 2005, we sent the comments/objections received to this public notice to Michael Brady, Inc. (MB), City View's architectural-engineering consultant, for resolution or rebuttal. On 16 June 2005, MB requested a time extension to respond indicating that it planned to contact the objectors and make certain design changes. In a letter dated 28 February 2006, MB submitted an updated marina design reflecting changes to reduce the impact of the marina on river users and meet the needs of the various concerned parties, particularly the LVRT. The main changes incorporated were as follows: a) Reducing the number of proposed slips from 204 to 96; b) Reducing the number of entry/exit points to the river from nine to two; c) Rotating slips 90° to accomplish item "b"; d) Installing a wave break to assist in directing boat traffic; e) Maintaining a 50' minimum distance outside the closest rowing lane; f) Reducing the maximum extent of the marina configuration from 280' to 205' from the bank; and g) Dredging approx. 25,000 CY of bottom material.

2.3.2 JPN 06-51. Since the submitted information revealed that there had been a substantial change in the scope of the proposed activities, particularly the inclusion of 25,000 CY of dredging and the installation of a stormwater outfall pipe, we determined that issuance of a new public notice was required. On 3 May 2006, we asked City View to submit additional information to complete the notice and continue processing the application. After receiving the information from City View, we issued the new notice on 26 May 2006. Several objections/comments were received in response to this notice. The objections/comments were sent to City View on 26 June 2006 for an opportunity for resolution or rebuttal. City View responded to the comments in writing on 7 July 2006 (see list below).

2.3.2.1 TWRA Comment. City View agrees to mitigate as proposed by TWRA. However, TWRA indicated a rough dredging area of 3.62 acres. City View calculated an area of approximately 3.0 acres. City View agrees to provide spawning benches in the ratio of 4:1 as requested (3.0 acres x 4:1 mitigation x 8 spawning benches = 96 benches). Assistance from TWRA will be requested in locating suitable locations in the Knoxville area of Fort Loudoun Lake.

2.3.2.2 USFWS Comment. Same comment as in 2.3.2.1 above. City View has agreed to mitigate for the loss of shallow-water habitat as outlined above.

2.3.2.3 UTWAD Comment. Concerned for rowers' safety, City View reworked the following items:

- Reduced the number of slips from 204 to 91
- Original design had nine points of entry/exit. Now there are two points of entry/exit.
- A wave break was installed to assist directing boat traffic, diminish the wake at the fueling and pump out area.
- Increase the distance from the marina to the closest rowing lane. A minimum of 50' has been maintained as requested.
- The original configuration extended 280' from the bank. The new configuration extends 205' from the bank.
- The marina will be permitted, constructed and maintained under the latest operating and environmental regulations. This facility will be applying for and under TVA's "Clean Marina" guidelines.
- The marina management will communicate to the boat owners and operators by written policy, signage, and other means the presence of rowers in the area. City View will provide LVRT and any other river users contact numbers, actively post event schedules with site signage, work with the Coast Guard and any local authorities on boater safety and enforcement, and maintain safety equipment and environmental clean up materials as required.
- The quantity of slips, fueling, pump out facility, and proposed building are all an economic consideration due to the amount of infrastructure work: dredging, utilities, site preparation, etc.

2.3.2.4 Rinker Comment. City View acknowledges Rinker's concern of the potential vessel conflict and trespassing. City View will implement the following measures to minimize such potential conflicts:

- City View will identify, notify, and post the limits of the marina for all vessel owners and users. This limit will indicate Rinker's property and the LVRT lanes.
- A chain link fence is currently in place at the common property line with the City View development. This fence will be maintained during construction and not be disturbed by the project. No trespassing signs can be installed if Rinker so requests.
- City View will furnish Rinker with contact names and numbers of appropriate in charge personnel during and after construction to maintain an open communication policy and remedy and concerns and complaints.

2.3.2.5 Jan Kaman Comment. City View acknowledges Ms. Kaman's concern for rowers' safety and is prepared to do the following to alleviate her concerns:

- Post warning signs of rowers in the area.
- Post schedules of practice times, regattas or other public rowing and water events.
- Provide contact numbers for appropriate personnel to maintain open communication and address any concerns or complaints.
- This marina at its current configuration has been endorsed and incorporated into the South Knoxville River Front Study and long term development plan.
- It is economically not feasible to reduce the slip count to 50. The dredging, parking and infrastructure requirements are such that this cost can not be economically spread across to only 50 slips.

- This marina will be built under the most current and restrictive codes and requirements. It is planned to be permitted, constructed and operated under the TVA Clean Marina requirements and the City of Knoxville Environmental Regulations. The dredging will be performed following TDEC, Corps, and TVA's guidelines.
- All market indications show a demand for larger vessel docking facilities. From past experience, these boats will remain docked for the majority of their time at the marina.

2.4 Internal Comments.

2.4.1 TVA Comments. TVA provided the following comments on issues and resources related to the proposed City View marina.

2.4.1.1 Navigation. The proposed dock facility would accommodate 91 boats, roughly 35 percent of the total proposed condominium units. The facility would include 18- 40 foot long by 32 foot wide boat slips and 28- 24 foot long by 20 foot wide boat slips with 4 additional single spaces. The floating structure would be anchored by pilings and contains 3 main sections (starting on the downstream side): a row of slips that is 492 feet wide, a fuel dock and pump station that is 90.5 feet wide, and another row of slips that is 199 feet wide. The entire facility is connected to the shoreline by a single walkway to the fuel dock that is 48.5 feet long by 10 feet wide. The proposed wavebreak is offset approximately 60 feet from the community facility, is 6 feet wide, and includes 3 sections. Starting on the downstream end, lengths are 455 feet, 120 feet, and 117 feet respectively. There would be a debris diverter placed on the upstream end of the dock facility. There would be transient docking available on the fuel dock only.

This site has been field inspected on several occasions. At this location, the navigation sailing line is located towards the right descending bank. Due to the curvature of the channel and the number and configuration of bridges in the downtown Knoxville area, it can be extremely difficult for commercial tows to navigate this stretch of river. Due to navigation concerns in this area, the proposed facility should not extend beyond the second bridge pier of the Norfolk Southern Corporation (NSC) bridge. It was also agreed upon that the wavebreak would be no closer than 50 feet from the LVRT's course. The current design meets those requirements and there should be no major conflicts with navigation. Approval would be contingent upon the following conditions:

- The facility should be constructed as designed and should not extend beyond the second bridge pier of the NSC bridge.
- The applicant is advised in writing that the facility will front a commercial navigation channel at a location which makes the facility and any moored boats vulnerable to wave wash and possible collision damage from passing vessels.
- The floor elevation of all fixed docks should be a minimum of 2 feet above the normal summer pool elevation 813 feet.
- The applicant is advised in writing that no-wake zones or buoys will not be permitted for this facility.
- The applicant is advised in writing that boats should not be moored to the outside of the wavebreak at any time.
- All floating facilities should be securely anchored to prevent them from floating free during major floods.

2.4.1.2 Floodplains. Consistent with Executive Order 11988, dredging is considered to be a repetitive action in the 100-year floodplain that should result in minor impacts provided the dredged material is spoiled outside of the floodplain. Therefore, all of the spoil material would be

placed offsite above the TVA Flood Risk Profile elevation 827.4 to prevent the loss of flood control storage.

The proposed project involves the construction of floating covered boat slips, floating pier, floating breakwater, floating ships store, launching ramp, electrical service, and riprap within the 100-year floodplain. For compliance with Executive Order 11988, these are considered to be repetitive actions in the floodplain that should result in minor impacts. Based on the site plan, the underground fuel storage tank would be located on private land above the TVA Flood Risk Profile elevation. The project would comply with the TVA Flood Control Storage Loss Guideline because there would be less than 1 acre-foot of displaced flood control storage.

We have no objection to the proposed project provided the following conditions are included in the permit:

- You agree that spoil material will be disposed of and contained on land lying and being above the 827.4-foot contour. Every precaution will be made to prevent the reentry of the spoil material into the reservoir.
- You agree to securely anchor all floating facilities to prevent them from floating free during major floods.
- For all electrical services permitted, a disconnect must be located at or above the 827.4-foot contour that is accessible during flooding.
- You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.

2.4.1.3 Sediment Handling. The following commitments would be required for the dredge to minimize the release of toxic materials to the environment:

- Testing of the sediment from the dredge would be required for: volatile organics (benzene, toluene, ethylbenzene, total xylenes), semi-volatile organics (PAHs, etc.), PCBs, pesticides/insecticides (all DDT and DDE isomers, chlordane), and total metals (mercury, arsenic, copper, chromium, cadmium, lead and zinc). The level of contamination found (if any) would determine how the spoil would be handled.
- Material to be dredged will be tested for toxic materials (as listed above) before dredging commences. If toxic materials are detected, dredging plans will be evaluated in light of the extent and level of those contaminants at the site. Dredging will not proceed without a dredging plan that guarantees that no toxic material will be released to the environment.
- Silt curtains must be placed around the perimeter of the dredge area, so as to not allow silt laden water outside the work area.
- All saturated spoil will be dewatered using berms, straw bales silt fencing, or other silt control devices positioned in such a way as to not allow silt-laden water to re-enter the reservoir. The method of dewatering must be approved by TVA.
- All dredged material must be removed to an upland site (above 827.4-foot elevation) and contained in a manner to prevent its return to any waterbody or wetland, and permanently stabilized to prevent erosion.

2.4.1.4 Underground Storage Tank (UST). The proposed subject marina plans to install a 5,000 gallon double walled UST along with double walled piping to the fuel dispensing area. So long as the marina complies with the applicable state and federal UST regulations and applies best management practices in the fuel dispensing area, the risk of polluting the water resources

should be minimal. There are prior state notification and registration requirements as well as certification requirements for the system installation.

2.4.2 Corps Comments. The Corps' Navigation Branch commented on the original proposal described in Section 1.1. The following recommendations were made:

- On the upper end, the outer four slips of the last row of slips should be removed from the plans because they interfere with the Knoxville Rowing course which is already permitted.
- The next set of slips should have the outer two slips removed also as to not to interfere with the rowing course.
- The applicant should be made aware that every time the course is in use for races and practicing that no boats will be allowed to cross the course. More than likely there will be a safety zone put around the course. So anyone wanting to get their boat out will have to know the schedules of the events and plan accordingly.
- With this marina being so close to this racing course safety will be a top priority.
- There will be no "No Wake" zones along the main channel unless deemed so by the U.S. Coast Guard. This will probably apply during rowing events.

3.0 Environmental and Public Interest Factors Considered

3.1 Introduction. 33 CFR 320.4(a) states that the decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. All factors that may be relevant to the proposal must be considered (for full list see one of the attached public notices, Appendix A or B). The following sections describe the relevant factors identified and provide a concise description of the probable impacts of the proposed action. The baseline data discussed in this section has been obtained from information provided by the applicant, field investigations, input to the JPNs, and other sources.

3.2 Physical/Chemical Characteristics and Anticipated Changes. The relevant blocks are checked with a description of the impacts. An unchecked block denotes that no adverse effects are expected.

(x) substrate – The existing substrate consists of sand, silty clay, and fine sediments. The proposed dredging would eliminate approx. three acres of these materials and result in an immediate loss of the existing benthic community. However, the benthos would quickly recolonize in areas directly adjacent to the site. To mitigate for the loss of shallow water habitat impacts, the applicant has agreed to construct spawning benches in selected areas of Fort Loudoun Lake in consultation with TWRA Region IV fisheries section. Previously conducted water quality and biological studies have revealed the potential for contaminants to be present in the bottom sediments. Before dredging starts, environmental testing of the sediments would be conducted. Additional discussion on this subject is provided in Section 3.3 under the "biological availability of possible contaminants in dredged or fill material" paragraph.

(x) currents, circulation or drainage patterns – The proposed marina would be exposed to high flows and to debris/drift accumulation. Provided the facility is properly designed to account for fluctuating lake levels and strong river currents, boat moorage risks would be relatively minor. No considerable changes in water circulation are expected to result from the construction of the marina and the dredging activity.

(x) suspended particulates, turbidity – Construction of the marina would result in minimal turbidity, but the proposed dredging activity would result in substantial localized turbidity increases. However, dredging operation impacts would be temporary. In addition, the work would be performed in a manner that would reduce the expected turbidity plume. For example, slow, deliberate, sweeping clamshell bucket movements would be employed, and the work would be confined behind suspended and/or floating silt booms. The dredged materials would be temporarily staged upland on the applicant's property behind earthen berms and silt fences. Further, the materials would be segregated into discrete piles if so required from laboratory analytical data of the sediments (see Section 3.3, "biological availability of possible contaminants in dredged or fill material"). Sediments would be tested for toxic materials and contaminated sediments would be handled according to the conditions cited in Section 2.4. If no contaminants above measurable/reportable amounts are detected during the sediment testing phase, the dredged materials would be removed to an approved solid waste landfill.

(x) water quality (temperature, color, odor, nutrients, etc) – According to the TVA Reservoir Ecological Health web page (www.tva.gov/environment/ecohealth/fortloudoun.htm), Fort Loudoun Lake rated "fair" in 2005. TVA rates reservoir condition based on five ecological indicators: dissolved oxygen, chlorophyll, fish, bottom life, and sediment. The ecological health score for Fort Loudoun has consistently been similar to most previous years. Dissolved oxygen rated good near the dam and at mid-reservoir. Chlorophyll levels were very high as in previous years and rated poor. Monitoring revealed a fair number and variety of fish although the numbers were lower than desired. State fish consumption advisories exist against eating certain fish species from Fort Loudoun Reservoir because of PCB contamination. Bottom life rated poor near the dam and upper reach monitoring locations but produced good readings at mid-reservoir. With few exceptions, fecal coliform levels throughout the reservoir in 2005 were within the state of Tennessee's guidelines for water contact.

As indicated in the "suspended particulates, turbidity" paragraph, dredging would result in substantial short-term water quality impacts due to increased turbidity. As soon as the dredging activity ceases, water quality conditions would return to preconstruction levels. The construction of the marina would result in relatively minor long-term water quality impacts mainly from the inadvertent spillage of petroleum products from boats. Stormwater runoff collected upland and discharged in the river through the proposed outfall could also contribute to water quality degradation. However, impacts would be relatively minor since river currents would help disperse these products and discharges quickly in the water column. TDEC is responsible for enforcement of state standards for construction sites and storm water runoff under Section 402 of the CWA.

() flood control functions -

(X) storm, wave, and erosion buffers - The proposal includes the construction of a breakwater parallel to the shoreline. The breakwater would serve as a wave and erosion buffer for the shoreline by deflecting the waves and reducing wave energy. The addition of riprap along the shoreline would also serve as a wave and erosion buffer for that area. The proposed dredging is not expected to have any noticeable effect on wave action or erosion intensity.

(x) shore erosion and accretion patterns - If any accretion pattern exists currently, it would likely not be affected by the presence of the docks, riprap placement, or construction of the stormwater outfall. The proposed repair of the existing riprap would prevent erosion.

() baseflow -

3.3 Biological Characteristics and Anticipated Changes. The relevant blocks are checked with a description of the impacts. An unchecked block denotes that no adverse effects are expected.

() special aquatic sites (wetlands, mudflats, pool and riffle areas, vegetated shallows, sanctuaries, and refuges, as defined in 40 CFR 230.40-45) -

(x) habitat for fish and other aquatic organisms – Fort Loudoun Lake comprises approx. 360 miles of shoreline and about 14,600 acres of water surface. The lake's fish population contains species such as bluegill, black bass, largemouth bass, smallmouth bass, striped bass, white bass, crappie, black crappie, white crappie, channel catfish, sauger, walleye, and others. Aquatic habitat in the area has been slightly to moderately disturbed by the presence of recreational and commercial activities associated with nearby barge terminals, marinas, and community docks. The proposed dredging to provide adequate boat access to the marina would permanently eliminate approx. three acres of lakebed habitat used by fish and aquatic organisms for feeding and spawning. However, this impact would be relatively minor and temporary since aquatic organisms would soon start recolonizing the area after completion of the dredging operation. To compensate for the temporal loss of shallow water habitat, City View has agreed to construct (under TWRA's guidance), 96 spawning benches in the reservoir near the Knoxville area. Therefore, the overall aquatic habitat impact would be minimal. In addition, the placement of rock riprap along the shoreline would provide habitat for benthic species colonization and fish shelter. Finally, the new boat docks would provide additional attachment surfaces and shading which would be beneficial to fish and aquatic organisms.

(x) wildlife habitat – The project site is located in South Knoxville between the CSX and NSC railroad bridges fronting the TR. City View plans to develop approx. 7.44 acres of land to build a mixed-use residential/commercial development which includes a private marina complex. The land has been in industrial use for several decades by the Knoxville Glove Company. Brick buildings, parkings, concrete pads, and grassy areas occupy the property. Other commercial, industrial, and residential properties are located in the general vicinity. The extent of human activity in the area has resulted in low wildlife habitat values. Considering the mobility and adaptability of species that may occupy the site, the proposed action would result in minimal short- and long-term wildlife impacts.

(x) endangered or threatened species – A review of existing databases and records did not reveal the presence of any federally listed threatened or endangered species or designated critical habitat at the project site. Based on the response from the USFWS and information obtained from our files, we have determined that the proposal would have no effect on those species or their designated critical habitat.

(x) biological availability of possible contaminants in dredged or fill material – Previously conducted water quality and biological studies have revealed the potential for contaminants to be present in the area where bottom sediments would be dredged. This potential is associated with former operations by Knoxville Glove Company and Gulf Oil Corporation which operated at the site from the 1930s to the 1970s. City View has agreed to perform environmental testing of the sediments before any dredging is conducted. The testing protocol also calls for analyzing water samples taken at representative locations. The current list of parameters that would be sampled and analyzed for include: volatile organics (benzene, toluene, ethylbenzene, total xylenes), semi-volatile organics (PAHs, etc.), PCBs, pesticides/insecticides (all DDT and DDE isomers, chlordane), and total metals (mercury, arsenic, copper, chromium, cadmium, lead and zinc). As indicated in previous sections, dredge operations would be conducted in a deliberate, methodical,

confining manner to minimize adverse water quality impacts. Laboratory analytical data will determine the proper disposal of the dredge spoils. Available disposal facilities exist in Tennessee and neighboring states for specialized wastes/contaminants.

3.4 Human Use Characteristics and Anticipated Impacts. The relevant blocks are checked with a description of the impacts. An unchecked block denotes that no adverse effects are expected.

(x) existing and potential water supplies; water conservation - Our permit database records five municipal or industrial raw water intake sites in the main stem of Fort Loudoun Lake. Industrial intakes exist at TRM 640.9R, 646.9L, and 647.8L. Two city of Knoxville municipal intakes exist at TRM 649.1R and 646.4R. The nearest municipal intake is located approx. 0.8 miles downstream of the site. The proposed dredging activity would result in short-term increases in suspended particulates and turbidity. However, the work would be conducted following best management practices and controls to minimize resulting water quality impacts. As indicated in Section 1.5.2, an ARAP permit would be required from TDEC before any lake-bottom alteration starts. Through the ARAP process, further consideration would be given to water quality impacts and potential adverse effects on the intakes. ARAP permits establish pollution control and monitoring requirements based on protection of designated uses through implementation of water quality standards and other applicable state and federal rules. We expect only minimal impacts on the intakes. The construction of the marina and addition of riprap to the shoreline would have negligible to no impacts on existing/potential water supplies. Water conservation (storing, saving, reducing or recycling water) would not be affected by the proposed action.

(x) water-related recreation - Fort Loudoun Lake, a TR main-stem reservoir, is approx. 50 miles long, has 14,600 acres of surface area, and 360 miles of shoreline. The typical normal operating zone for this reservoir fluctuates between El. 813-812 in the summer and El. 809-807 in the winter. The Corps considers El. 813 as the NSP and El. 807 as the normal winter pool (NWP). Several marinas, resorts, state/municipal parks, and camping areas exist along the shores of Fort Loudoun Lake. The nearest commercial boat dock, Volunteer Landing Marina, is located at TRM 648.0R. Other private and public docks that exist in the area include: Volunteer Landing (TRM 647.8R), Calhoun's Restaurant (TRM 647.6R), UT Docks (TRM 647.4R and 647.3R), and Tennessee River Condominium Development Company community dock at TRM 646.3L. The nearest public boat ramp is located at TRM 648.7R. In addition, the University of Tennessee boat-house and former World's Fair dock are located at TRM 647.1R. The proposed Marina would provide users substantial recreational opportunities such as boating, fishing, skiing, and swimming. Since the proposed marina would not extend beyond the second NSC bridge pier, impacts on existing recreational usage would be relatively minor. In addition, the marina would have to comply with USCG lighting/marketing requirements.

(x) aesthetics - The proposed activity is located in a highly developed commercial and industrial area of Knoxville. Commercial barge terminals, marinas, and private docks exist upstream and downstream of the dock site. The construction of the marina, bank stabilization maintenance, and installation of the stormwater outfall would result in a relatively minor change in the general visual characteristics of the area. Therefore, the aesthetic impact would be minimal.

(x) traffic/transportation patterns - City View plans phased construction of a mixed-use residential and commercial development in uplands adjacent to the marina. The property would have access to Blount Avenue. Traffic volumes through local streets leading to the property would experience a minor gradual increase as development occurs. However, the streets appear to have enough capacity to accommodate the increased volume. Decisions related to access con-

nections and highway traffic capacity/safety would fall under the purview of local city of Knoxville agencies. The long-term effect of the proposal on traffic/transportation patterns or waterborne traffic would be minimal.

() energy consumption or generation -

(x) navigation – The proposed marina would be located on a gradual inside bend (left descending bank) of the TR immediately below the NSC bridge, in Knoxville. The width of the navigable channel is approximately 300' throughout this reach except for channel span reductions at the CSX Railroad (TRM 646.6), NSC (Mile 647.3), Henley Street (Mile 647.4), and Gay Street (Mile 647.7) bridges. The TR's bank-to-bank width at the site is approx. 800'-950'. The navigation channel sailing line is located closer to the right descending bank, i.e., along north Knoxville's shoreline. The Corps is responsible for maintaining a channel grade El. of 796.0 from Mile 640.0 to 647.4. Based on a typical NWP elevation for Fort Loudoun Lake of 807.0, available water depth for commercial barge traffic would be 11' which would accommodate vessels with a maximum draft of 9'. Outside the navigation channel limits, bottom elevations generally vary from El. 798 to 802.

According to a September 2002 study prepared by the Knoxville Regional Transportation Planning Organization, there are seven active barge terminals along the Knoxville urban area waterfront that extends from TRM 646.0 to TRM 652.0, and then beyond up to Mile 1.0 of the French Broad River. The study identifies asphalt, salt, metals and ores, sand and gravel, and corn and other grains as the commodities that are barged through the area. Records indicate that tonnages have declined from previous years. In addition, most shipments are inbound. Rinker's terminal is located immediately downstream of City View's property.

TVA and the Corps have studied the potential impacts of this project on navigation, particularly, commercial navigation and the adjacent LVRT race course. Concerns have also been expressed for the potential impacts the marina may have on an adjacent barge terminal operated by Rinker. Both the TVA and Corps navigation staffs have provided recommendations that, if implemented, would minimize adverse effects on navigation. The Corps' recommendations have been included in Section 2.4.2. TVA's recommendations are presented in Section 2.4.1. The Corps concurs with TVA's recommendations. If the DA permit were issued, the substantive Corps/TVA recommendations would be incorporated into the permit. Provided the recommendations are incorporated in the permit and accepted by City View, impacts on commercial navigation and the rowing course would be relatively minor.

(x) safety – The UT Men's Rowing Club, Knoxville Rowing Association, and LVRT have practiced and conducted regattas in this area of the TR since the mid 1970s coexisting with commercial and recreational navigation without major incident. Major competitions receive wide media coverage in the weeks prior to and after the events. As discussed above in the navigation paragraph, extensive coordination and communication are essential to guarantee an adequate level of safety for all users. In Section 2.3 City View cited several mitigative actions related to watercraft safety, some of these have already been incorporated into the most recent marina design. We believe that the implementation of these conditions would minimize potential unsafe watercraft related situations. Further, with time, as commercial and recreational traffic and rowers interact and become more familiar with each other's activities, safety will not be as relevant a factor as now.

(x) air quality - The proposed action would only result in minimal direct emissions. A conformity applicability determination pursuant to regulations implementing Section 176(c) of the Clean Air Act (CAA) has been made in Section 5.1.

(x) noise - Noise levels would increase slightly above background values during the construction phase. The operation phase would result in minor long-term increases above background levels. Considering the commercial and recreational uses existing within the Knoxville waterfront and present levels of river traffic, the short- and long-term effects would be minimal.

(x) historic properties and cultural values - No NRHP-listed or -eligible properties would be affected by the proposed activities. By letter of 5 June 2006, the THC concurred with this determination.

(x) land use classification - The approx. 7.44-acre property to be developed is located on the TR in South Knoxville between the CSX and NSC railroad bridges. Rinker is located immediately downstream of the site. A mixture of commercial, industrial, and residential land uses exist in this area. The proposed action would have minimal impacts on land use classification.

(x) conservation - No wetlands or sensitive/important upland features or resources would be affected by this proposal. Shallow-water habitat eliminated during the dredging activity would be adequately mitigated by constructing spawning benches in areas of Fort Loudoun Lake under the direction of TWRA.

(x) economics - In addition to the marina, City View projects a \$30.5 million investment with the phased construction of 234 condominium units (year 2006 - 2008) and a 110-room motel (2008 - 2009). City View would derive substantial economic benefits from the mixed-use development. Construction activities would provide a minor short-term stimulus to the local economy from temporary employment and related sales of goods and services. The local economic base would experience long-term benefits associated with additional tax revenues, employment, and higher property values. The work is part of the South Knoxville Waterfront Project which is a 20-year plan for which an estimated \$139 million in public improvements is included. The city of Knoxville estimates \$814 million in private development could occur.

() food and fiber production -

(x) general environmental concerns - This is a broad factor almost synonymous with the area's quality of life. All the relevant issues falling under this heading have been evaluated in this document. No public/private agency, group, or individual expressed concerns for the proposed activities. Special conditions have been added to minimize the unavoidable adverse environmental impacts identified.

() mineral needs -

(x) consideration of private property - Corps regulations at 33 CFR 320.4(g) state that authorization of work by the DA does not convey any property rights, either in real estate or material, or any exclusive privileges. Furthermore, a DA permit does not authorize any injury to property or invasion of rights or any infringement of federal, state or local laws or regulations. The same regulation also states that a riparian landowner has a general right of access to navigable waters of the U.S. However, this right of access is weighed through the DA public interest review process against the similar rights of access held by nearby riparian landowners and to the general

public's right of navigation on the water surface. TVA has flowage rights up to the 822-foot elevation at this site.

Rinker, who owns a barge terminal immediately downstream of City View property, has expressed concerns that boaters may interfere with its operation, and more importantly, that portions of the marina appear to encroach into their terminal. In addition, Rinker is concerned about possible trespassing issues. In response to these concerns, City View has offered to identify, notify, and post the limits of the marina for all vessel owners and users. This limit will clearly indicate Rinker's property. A chain link fence currently in place at the common property line with Rinker will be maintained during construction and not be disturbed by the project. No trespassing signs can be installed if Rinker so requests. City View will furnish Rinker contact information and pledges to maintain an open communication policy and remedy any concerns and complaints. Finally, City View has reduced the number of slips (204 to 91) and provided a property map to show that all work would be circumscribed to its boundaries.

(x) floodplain values – The proposed project involves the construction of floating covered boat slips, floating pier, floating breakwater, floating ships store, launching ramp, electrical service, dredging, and riprap within the 100-year floodplain. For compliance with Executive Order 11988, these are considered to be repetitive actions in the floodplain that should result in minor impacts, provided the conditions described in Section 2.4 implemented.

3.5 Cumulative and Secondary Impacts. The Council on Environmental Quality regulations define cumulative impact as "the environmental impact which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." The Corps considers every DA permit application on its own merits and assesses its environmental impacts within the proper scope of review for NEPA purposes.

As indicated in this document, there are approximately seven active barge terminals along the Knoxville urban area waterfront that extends from TRM 646.0 to TRM 652.0 and beyond up to Mile 1.0 of the French Broad River. Several marinas, municipal parks (e.g., Scottish Pike River Park at TRM 646.4L), sports events venues (Neyland Stadium, Lindsey Nelson Stadium, Thompson-Boling Arena, etc.), and other recreational areas exist along the Knoxville waterfront. The nearest commercial boat dock, Volunteer Landing Marina, is located at TRM 648.0R. Other private and public docks that exist in the area include: Volunteer Landing (TRM 647.8R), Calhoun's Restaurant (TRM 647.6R), UT Docks (TRM 647.4R and 647.3R), and Tennessee River Condominium Development Company community dock at TRM 646.3L. In addition, the University of Tennessee boathouse and former World's Fair dock are located at TRM 647.1R. The nearest public boat ramp is located at TRM 648.7R.

Although relatively few permits for marinas, community boat docks, and boat ramps have been issued in this area of Fort Loudoun Lake in the last 20 years, we are aware of long-range plans for potential additional development along the south bank of the TR. Development would likely include construction of marinas and/or community docks and their ancillary facilities. The proposed plans are contained in the draft "2006 Knoxville South Waterfront Redevelopment and Urban Renewal Plans" prepared by the Knoxville city government. If these South Waterfront plans are completed, their future community docks and marinas in the South Knoxville Waterfront area may increasingly impact the existing rowing course and the water-based recreation experiences, as new facilities are developed. Currently, no permit applications for additional activities on the South

Knoxville Shore are active. Any future construction of community docks, marinas, public ramps, and any other water-use facility would be evaluated for environmental and socioeconomic impacts through our public interest review process.

The scope of analysis for this DA permit application is limited to the Permit Area, i.e., shoreline (impacted by riprap), near-shoreline and lake bottom (impacted by dredging), and immediate upland areas (directly impacted by the construction of the marina and stormwater outfall pipe). The Permit Area impacts described in this document would result in minimal adverse cumulative impacts on areas within our NEPA scope of review. A discussion of these impacts has been presented in Section 3. If a decision is made to issue the City View DA permit, special permit conditions will be incorporated to minimize the identified impacts. When considering the impacts from past, present, and reasonably foreseeable future proposals, the cumulative and secondary impacts from this proposal are considered minor.

4.0 Alternatives

4.1 Introduction. This section discusses alternatives as required by Corps and TVA regulations and by NEPA. Corps requirements about consideration of alternatives are found at 33 CFR 320.4 (a)(2). The relevant environmental issues identified in Section 3.0 were used to formulate the alternatives. The alternatives considered in detail are described in Section 4.2 and their impacts compared in Section 4.3. Other alternatives not considered in detail are discussed in Section 4.4.

4.2 Description of Alternatives.

4.2.1 No Action. This alternative is one that results in no construction or work requiring a Corps or TVA permit. No Action would be brought by denial of the permit or withdrawal of the permit application.

4.2.2 Applicant's Proposed Action. This alternative consists of the proposal and revisions described in sections 1.1 to 1.3.

4.2.3 Applicant's Proposed Action with Added Special Conditions. This alternative consists of the Applicant's Proposed Action identified in Section 4.2.2 above with the inclusion of special conditions to further minimize/mitigate unavoidable environmental impacts to the maximum extent practicable.

4.3 Comparison of Alternatives.

4.3.1 No Action. This alternative would result if no work occurs in waters of the United States. No Action would be brought about by a denial of the DA or TVA permits. The potential environmental impacts described in Section 3.0 would not occur. Conversely, the expected socioeconomic benefits also described in that section would not be achieved. No Action would not satisfy the applicant's stated purpose and need.

4.3.2 Applicant's Proposed Action. The proposed action described in sections 1.1 to 1.3 would potentially have various adverse and beneficial environmental and socioeconomic effects. These potential effects have been listed in Section 3.0 above.

4.3.3 Applicant's Proposed Action with Added Special Conditions. This alternative would result in similar impacts and benefits to the alternative described in Section 4.3.2 above. Special permit conditions have been developed for incorporation into the permit (see below). The special conditions are reasonably enforceable and would afford appropriate and practicable environmental protection. Some of the conditions are necessary to satisfy legal and public interest requirements. Conditions have been specifically added to minimize adverse impacts on navigation, water quality, and the aquatic environment.

- The work must be in accordance with any plans attached to this permit. *Justification: Clarify the permit application.*

- You must have a copy of this permit available on the site and ensure all contractors are aware of its conditions and abide by them. *Recommended at 33 CFR 325, Appendix A.*

- Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States. *Recommended at 33 CFR 325, Appendix A.*

- A preconstruction meeting must be held among representatives of the Nashville District Corps of Engineers, TVA, permittee, and contractor(s) to discuss the conditions of this permit. You should contact J. Ruben Hernandez of this office, telephone number (615) 369-7519, to arrange the required meeting. *Clarify the permit application.*

- You are required to notify this office, in writing, by completion of the enclosed "Navigation Data Sheet" at least 10 working days in advance of any work in the waterway related to the construction of the activity herein approved. Failure to comply with this requirement may result in revisions or delays of work schedules to allow adequate time for notification of navigation interests utilizing the waterway. *Public interest requirement (navigation safety).*

- The disturbance to riparian vegetation shall be kept to a minimum during construction. *Minimize impacts on wildlife habitat, water quality, and the aquatic environment.*

- You must institute and maintain a strict erosion and sediment control program for the life of the project and ensure that all disturbed areas are properly seeded, riprapped, or otherwise stabilized as soon as practicable to prevent erosion. *Minimize impacts on water quality and the aquatic environment.*

- Riprap material shall be quarry-run stone (adequate size distribution and weight) or its equivalent, i.e., clean material free of waste metal products, organic materials, unsightly debris, etc. *Minimize impacts on water quality and the aquatic environment.*

- You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander, Eighth Coast Guard District (oan), Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, (314-539-3900). *Public interest requirement and recommended at 33 CFR 325, Appendix A.*

- You hereby recognize the possibility that the structure permitted herein may be subject to damage by wave wash and possible collision damage from passing vessels. The issuance of this permit does not relieve you from taking all proper steps to ensure the integrity of the structure and

the safety of boats moored thereto from damage by wave wash or collisions and you shall not hold the United States liable for any such damage. *Public interest requirement (navigation safety).*

- No boats will be moored on the outside of the floating wavebreak at any time. *Public interest requirement (navigation safety).*

- Marina sewage pump-out station(s) must be installed and operated according to recommended TVA Clean Marina guidelines as well as city of Knoxville environmental regulations. *Minimize impacts on aquatic life, water quality, and the aquatic environment.*

- To mitigate for the elimination of shallow-water habitat, you must install 96 spawning benches under the direction of TWRA Region IV fisheries personnel, (423) 522-2465. *Minimize impacts on aquatic life, water quality, and the aquatic environment.*

- You will communicate to the boat owners and operators by written policy, signage, and other means the presence of rowers in the area. *Public interest requirements (navigation safety considerations).*

- You will provide LVRT and any other river users contact numbers, actively post event schedules with site signage, work with the USCG, TWRA, and any local authorities on boater safety and enforcement, and maintain safety equipment and environmental clean up materials as required. *Public interest requirements (navigation safety considerations).*

- You will identify, notify, and post the limits of the marina for all vessel owners and users. This limit will indicate Rinker's property and the LVRT lanes. *Public interest requirements (property rights considerations).*

- You will furnish Rinker with contact names and numbers of appropriate in charge personnel during and after construction to maintain an open communication policy and remedy any concerns and complaints. *Public interest requirements (property rights considerations).*

- You must post at the marina schedules of practice times, regattas or other public rowing and water events. *Public interest requirements (navigation safety considerations).*

- No portion of the marina may extend beyond the second bridge pier of the NSC bridge located immediately upstream of the project. *Public interest requirements (navigation safety considerations).*

- The floor elevation of all fixed docks must be a minimum of 2 feet above the normal summer pool elevation 813. *Public interest requirements (navigation safety considerations).*

- You must not install "no-wake" zones or buoys at this facility. *Public interest requirements (navigation safety considerations).*

- All floating facilities must be securely anchored to prevent them from floating free during major floods. *Public interest requirements (navigation safety considerations).*

- Certified "as-built" drawings shall be furnished this office within 60 days of completion of construction showing final dock dimensions, deck elevations, and maximum extension from the

shoreline referenced to the normal summer pool contour, El. 813. *Public interest requirement (navigation safety).*

Dredging Conditions:

- The dredged material must be tested for volatile organics (benzene, toluene, ethylbenzene, total xylenes), semi-volatile organics (PAHs, etc.), PCBs, pesticides/insecticides (DDT & DDE isomers, chlordane), and total metals (mercury, arsenic, copper, chromium, cadmium, lead & zinc). The level of contamination found (if any) will determine how the spoil will be handled in accordance with applicable laws/regulations. *Environmental protection and to minimize impacts on water quality.*

- Lake-bottom material testing shall be conducted before dredging starts. If toxic materials are detected, dredging plans will be evaluated in light of the extent and level of the contaminants found. Dredging will not proceed without a dredging plan that guarantees that no toxic material will be released to the environment. *Environmental protection and to minimize impacts on water quality.*

- Silt curtains must be placed around the dredge area perimeter so as to not allow silt-laden water outside the impact area. *Environmental protection and to minimize impacts on water quality.*

- All saturated spoil will be dewatered using berms, straw bales silt fencing, or other silt control devices positioned in such a way as to not allow silt-laden water to re-enter the reservoir. The method of dewatering must be approved by the Corps and TVA. *Environmental protection and to minimize impacts on water quality.*

- All dredged material must be removed to an upland site (above 827.4-foot elevation) and contained in a manner to prevent its return to any waterbody or wetland, and permanently stabilized to prevent erosion. *Environmental protection and to satisfy legal requirements.*

- This permit also authorizes the periodic maintenance dredging of the project herein approved, which may be performed under this permit for ten years from the date of issuance of this permit. However, you must advise this office in writing at least two months before you intend to undertake any maintenance dredging. All initial dredging special conditions and requirements, e.g., testing, handling, etc., also apply to maintenance dredging. *Recommended at 33 CFR 325, Appendix A.*

4.4 Alternatives not Considered in Detail. Other practicable alternatives involving different designs (size, shape, height), materials (metal, composites, etc.), or sites exist. However, the resultant degree of impact would be commensurate with the impacts of the proposed action. All of the alternative designs would require DA/TVA permits and would be subject to the agencies' review processes. These alternatives might not satisfy the applicant's purpose and need.

FOR THE COMMANDER:

9/29/06
Date

J. Ruben Hernandez
J. Ruben Hernandez
Acting Chief, Eastern Regulatory Section
Regulatory Branch
Operations Division

Appendix A

Joint Public Notice 05-18



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 05-18

Date: April 14, 2005

Application No. 200500656

Please address all comments to:
Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS AND TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Commercial Marina and Bank Stabilization at Mile 647.2, Left Bank, Tennessee River

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403)**. The bank stabilization (riprap) activity included in this application has been previously authorized for purposes of Section 10 and Section 404 of the Clean Water Act (33 USC 1344) by existing Nationwide Permit 13 [January 15, 2002, Federal Register, Issuance of Nationwide Permits; Notice (67 FR 2020)].

APPLICANT: Camden Management Partners
1465 Northside Drive, Suite 116
Atlanta, Georgia 30318

LOCATION: Mile 647.2, left bank, Tennessee River (Fort Loudoun Lake), in Knoxville, Knox County, Tennessee, USGS Knoxville-TN 7.5 Minute Series Quadrangle Map, Lat 35° 56' 43", Long 83° 55' 28".

DESCRIPTION: A mixed use residential and commercial development is planned at the present Knoxville Glove Company site. The project would include the construction of a commercial marina and maintenance of the riprapped shoreline. Upland development would be conducted in three phases over a period of three to five years as follows: Phase 1 - 110 condominium units and 4,000 square feet (SF) restaurant (start 8/2005, finish 2006); Phase 2 - 110 condominium units (start 2006, finish 2007); and Phase 3 - 110-room motel (start 2007, finish 2008). The condominium owners may be given preference in the allocation of the boat slips. Details of the marina and riprap work are as follows:

a. Commercial Marina. The facility would consist of a maximum of 204 covered boat slips (Docks A-E, G, & H), transient docking (Dock F), and a 2,400 SF ship store/rowing boathouse. Fueling and pump out facilities are planned. The docks would contain slips measuring 20' wide by 24-28' deep. The main walkways and slip fingers would be 6' and 4' wide, respectively. A 20'x20' gazebo would be constructed at the end of the transient dock (Dock F). Slips would be covered with pre-engineered metal roofing. Slips and walkways would be concrete or truss framed with composite decking and encapsulated flotation, anchored by spud poles. All structures within the water would be floating anchored by spud poles. Surface booms across the upstream-most slips are proposed to aid in debris cleanup. Wake deflectors are proposed at the end of the docks. The docks would be constructed during developmental phases 1 and 2.

An existing floating dock used by the University of Tennessee, Knoxville Rowing Club, located at the downstream end of the property would be removed. However, the existing boat ramp at this area will remain. A pedestrian walkway would be constructed at the top of the existing bank at elevation ± 830 . Another floating walkway connecting the slips would be located along the bank. Access to the marina would be by stairs or handicap and golf cart ramp.

b. Riprap Maintenance. Approximately 125 cubic yards of riprap would be installed to repair the existing bank stabilization along the 847' long shoreline. The top of the protection would be at Elevation (El.) 813 (Fort Loudoun Lake's normal summer pool) and the bottom at El. 809. As earlier indicated, this activity has been previously authorized by existing Nationwide Permit 13.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places (NRHP) has been consulted, and no properties listed in its records are known which would be affected by the proposal. However, the proposed work would occur just downstream of the Norfolk Southern Railroad Bridge. Information contained in our files indicates that the bridge was in existence before 1921. Therefore, this bridge has the potential to be eligible for the NRHP. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

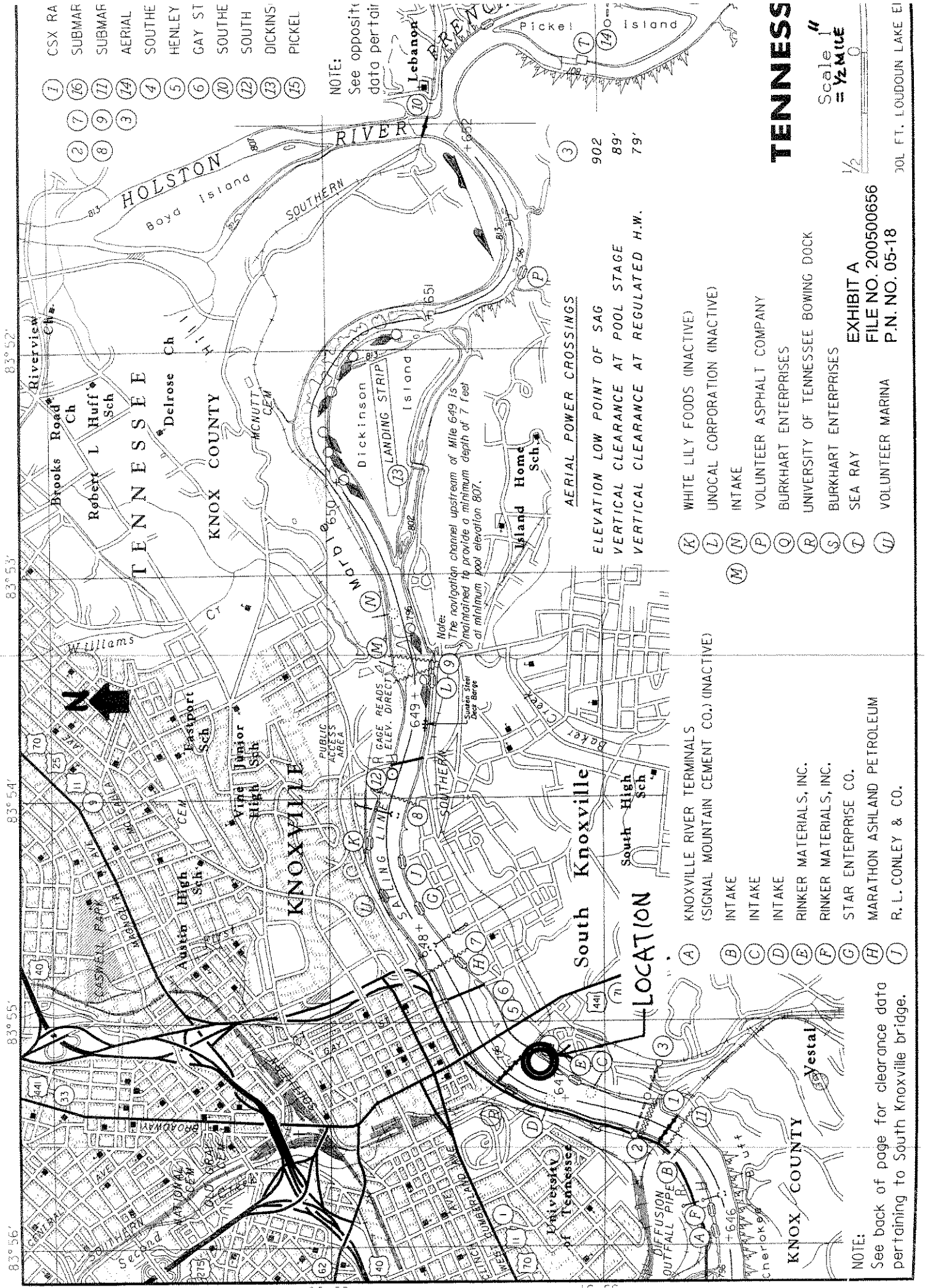
Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. The proposed bank stabilization activity must comply with the terms and conditions of the Tennessee Department of Environment and Conservation's (TDEC) General Permit for this activity established under the requirements of the Tennessee Water Quality Control Act of 1977 (T.C.A. § 69-3-101 et seq). Applicants not familiar with the terms and conditions of this general permit must provide notification to TDEC before beginning construction.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before May 14, 2005, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to the Little Tennessee Watershed Team, Attn: Ms. Ella C. Guinn, 260 Interchange Park Drive, Lenoir City, Tennessee, 37772. Requests for information about TDEC's general permits can be sent to the Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.



TENNESSEE

Scale 1/2
= 1/2 mile

301 FT. LOUDOUN LAKE E

NOTE:
See opposite
data pertain

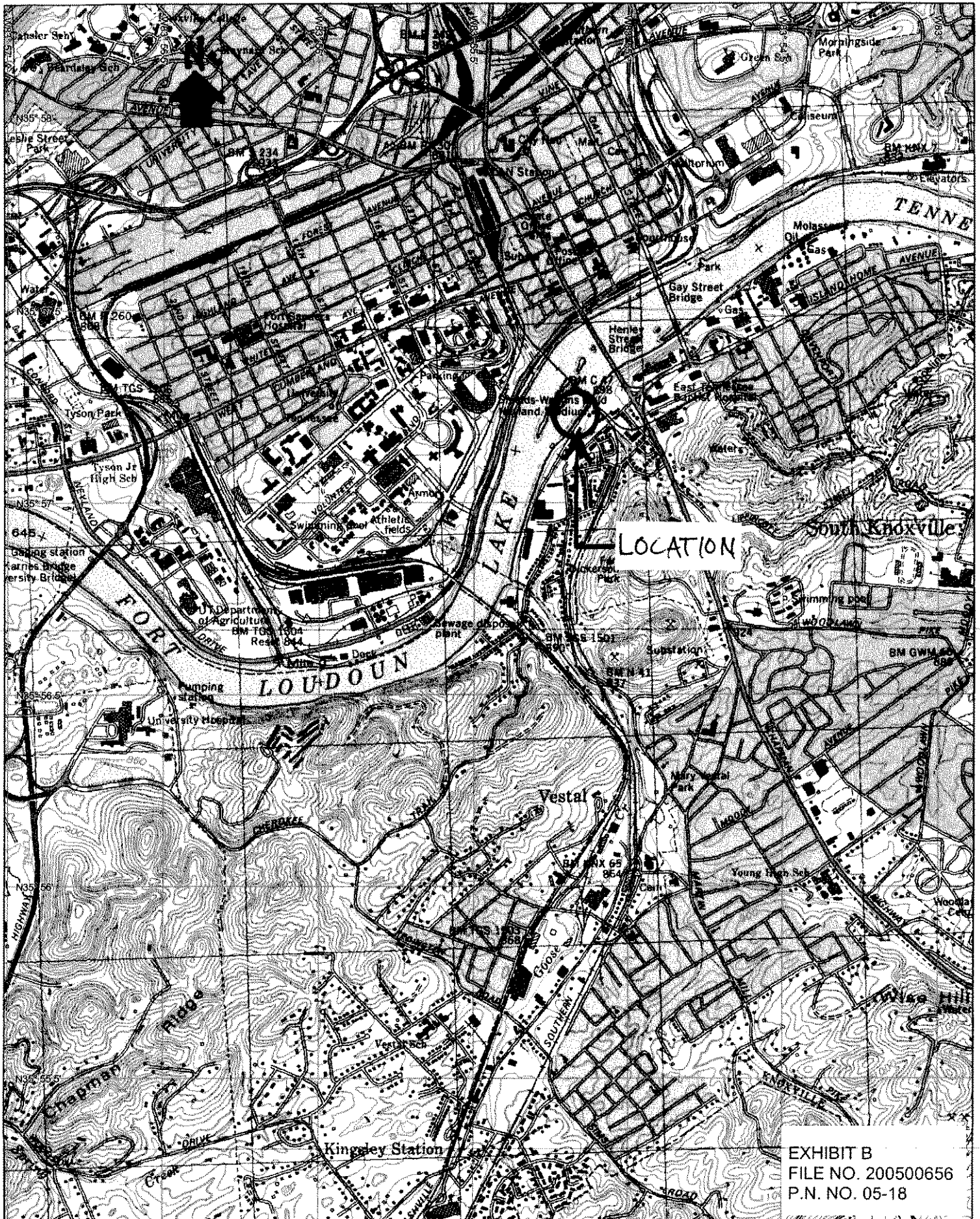
AERIAL POWER CROSSINGS

ELEVATION LOW POINT OF SAG
VERTICAL CLEARANCE AT POOL STAGE
VERTICAL CLEARANCE AT REGULATED H.W.

- (A) KNOXVILLE RIVER TERMINALS (SIGNAL MOUNTAIN CEMENT CO.) (INACTIVE)
- (B) INTAKE
- (C) INTAKE
- (D) INTAKE
- (E) RINKER MATERIALS, INC.
- (F) RINKER MATERIALS, INC.
- (G) STAR ENTERPRISE CO.
- (H) MARATHON ASHLAND PETROLEUM
- (J) R. L. CONLEY & CO.
- (K) WHITE LILY FOODS (INACTIVE)
- (L) UNOCAL CORPORATION (INACTIVE)
- (M) INTAKE
- (N) VOLUNTEER ASPHALT COMPANY
- (P) BURKHART ENTERPRISES
- (Q) UNIVERSITY OF TENNESSEE BOWING DOCK
- (R) BURKHART ENTERPRISES
- (S) SEA RAY
- (T) VOLUNTEER MARINA
- (U)

EXHIBIT A
FILE NO. 200500656
P.N. NO. 05-18

NOTE:
See back of page for clearance data
pertaining to South Knoxville bridge.



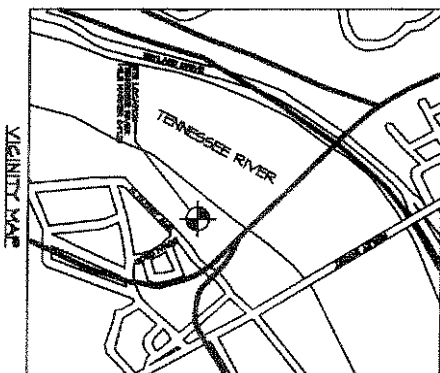
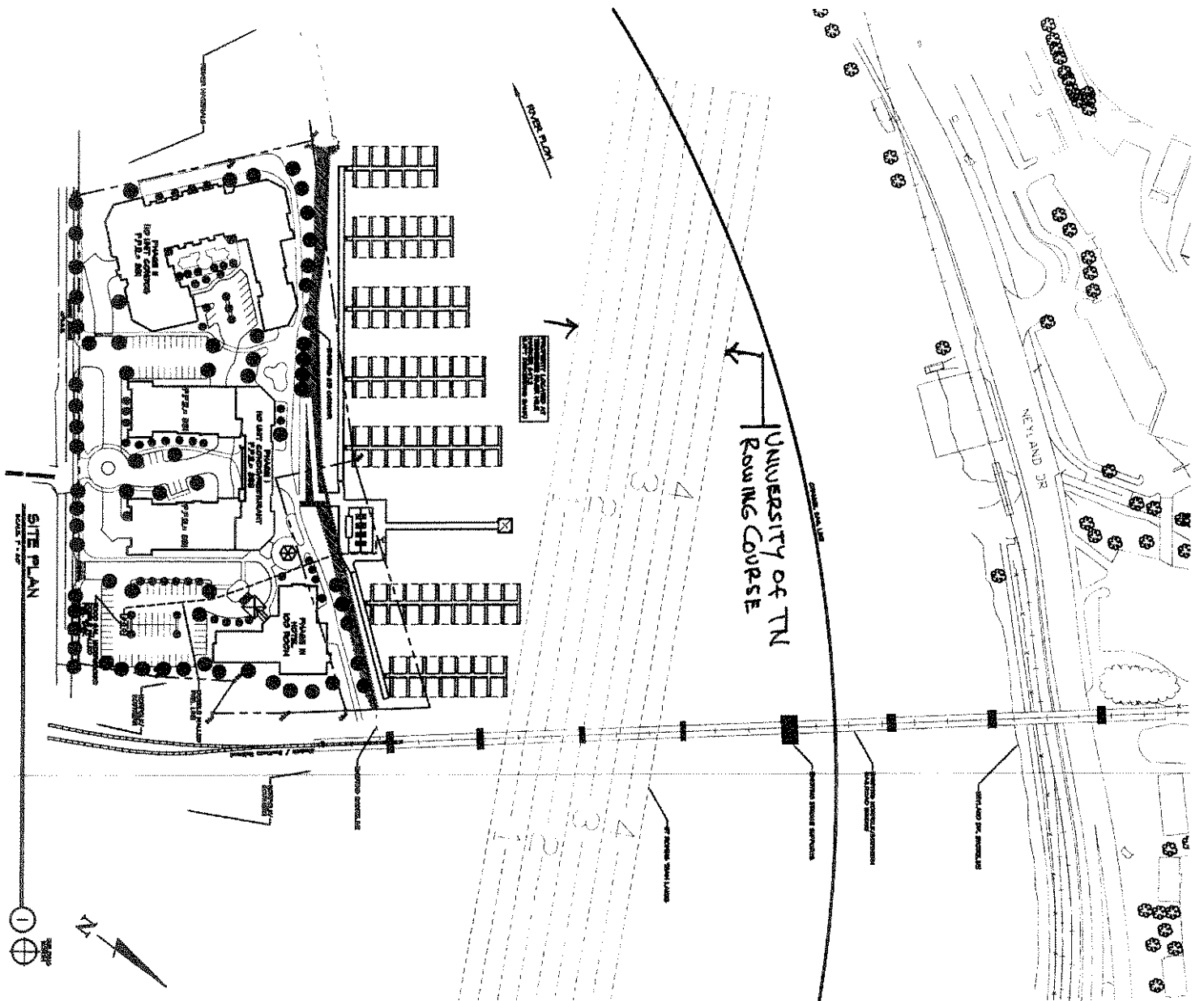


EXHIBIT D
FILE NO. 200500656
P.N. NO. 05-18



Appendix B

Joint Public Notice 06-51



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 06-51

Date: May 26, 2006

Application No. 200500656

Please address all comments to:
Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660

**JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
TENNESSEE VALLEY AUTHORITY**

SUBJECT: Proposed Commercial/Private Marina, Dredging, Bank Stabilization, and Stormwater Outfall at Mile 647.2, Left Bank, Tennessee River

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403)** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act (16 USC 831y-1)**. The applicant has applied for an Aquatic Resource Alteration Permit (ARAP) to the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, for the proposed dredging activity. The bank stabilization (riprap) activity included in this application has been previously authorized for purposes of Section 10 and Section 404 of the Clean Water Act (33 USC 1344) by existing Nationwide Permit 13 [January 15, 2002, Federal Register, Issuance of Nationwide Permits; Notice (67 FR 2020)].

APPLICANT: City View at Riverwalk, LLC
3423 Piedmont Road, Suite 325
Atlanta, Georgia 30305

LOCATION: Mile 647.2, left bank, Tennessee River (Fort Loudoun Lake), in Knoxville, Knox County, Tennessee, USGS Knoxville-TN 7.5 Minute Series Quadrangle Map, Lat 35° 56' 43", Long 83° 55' 28".

BACKGROUND: The proposal was originally advertised by Public Notice 05-18, dated April 14, 2005. The original marina layout has been revised resulting in a reduction in the number of boat slips. Dredging and a stormwater outfall structure are now planned.

DESCRIPTION: A mixed-use residential and commercial development is planned at the present Knoxville Glove Company site. The project would include the construction of a commercial and private marina, dredging, maintenance of the riprapped shoreline, and a stormwater outfall structure. Upland development would be conducted in three phases over a period of three to five years as follows: Phase 1 - 124 condominium units (start 4/2006, finish 2007); Phase 2 - 110 condominiums (start 2007, finish 2008); and Phase 3 - 110-room motel (start 2008, finish 2009). Details of the proposed work are as follows:

a. Commercial and Private Marina. The facility would consist of a maximum of 96 covered boat slips, 68 public and 28 private (for the condominium owners), and a 2,400 square feet (SF) ship store/rowing boathouse. Fueling and sewage pump out facilities are also planned. The docks would contain slips measuring 20'-32' wide by 24'-40' deep. The main walkways and slip

fingers would be 6' and 4' wide, respectively. Slips would be covered with pre-engineered metal roofing. Slips and walkways would be concrete or truss framed with composite decking and encapsulated flotation. All structures within the water would be floating, anchored by spud poles. Surface booms across the easternmost slips are proposed to aid in debris cleanup. A floating breakwater is proposed parallel to the shoreline. The docks would be constructed during developmental phases 1 and 2.

An existing floating dock used by the Knoxville Rowing Club, located at the downstream end of the property, would be removed. A pedestrian walkway would be constructed at the top of the existing bank at elevation \pm 830. Access to the marina would be by stairs and handicap and golf cart ramp.

b. Dredging. Dredging of the channel in the vicinity of the proposed marina will be required to ensure sufficient navigation depths. Approximately (approx) 25,000 cubic yards (CY) of bottom material would be removed from an area measuring approx. 175' wide by 900' long. The area would be deepened to bottom Elevation (El) 801, i.e., 12' below Fort Loudoun Lake's normal summer pool (NSP), El. 813. A barge-mounted tracked excavator and clamshell crane would be used to perform the dredging. The material would be placed on a barge and transported offsite to an appropriate disposal site. Bottom sediment samples have already been obtained to ascertain whether contaminants are present. A decision will be made regarding removal methods and the suitability of the disposal area. If river currents allow, silt curtains would be installed on the downstream side of the work area to minimize turbidity.

c. Riprap Maintenance. Approximately 125 CY of riprap would be installed to repair the existing bank stabilization along the 847' long shoreline. The top of the protection would be at NSP (El. 813) and the bottom at El. 806. As earlier indicated, this activity has been previously authorized by existing Nationwide Permit 13.

d. Stormwater Outfall. Precipitation runoff from the development will be collected in a pipe system, treated as per city of Knoxville's requirements, and discharged by pipe outfall directly into the river. A 36" diameter concrete discharge pipe and headwall would be installed at the downstream end of the development. The invert elevation of the pipe would be 813. The headwall would be constructed even with the bank and protected with riprap.

Plans of the revised proposal are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

A Phase I archaeological survey of the entire property and shoreline area was conducted on October 5-7, 2005, by Terracon. No archaeological resources eligible for listing in the National Register of Historic Places (NRHP) were found. By letter dated December 27, 2005, the Tennessee State Historic Preservation Officer (SHPO) concurred with the report's findings. As indicated in Public Notice 05-18, dated April 14, 2005, the proposed work would occur just downstream of the Norfolk Southern Railroad Bridge. Information contained in our files indicates that the bridge was in existence before 1921. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the SHPO.

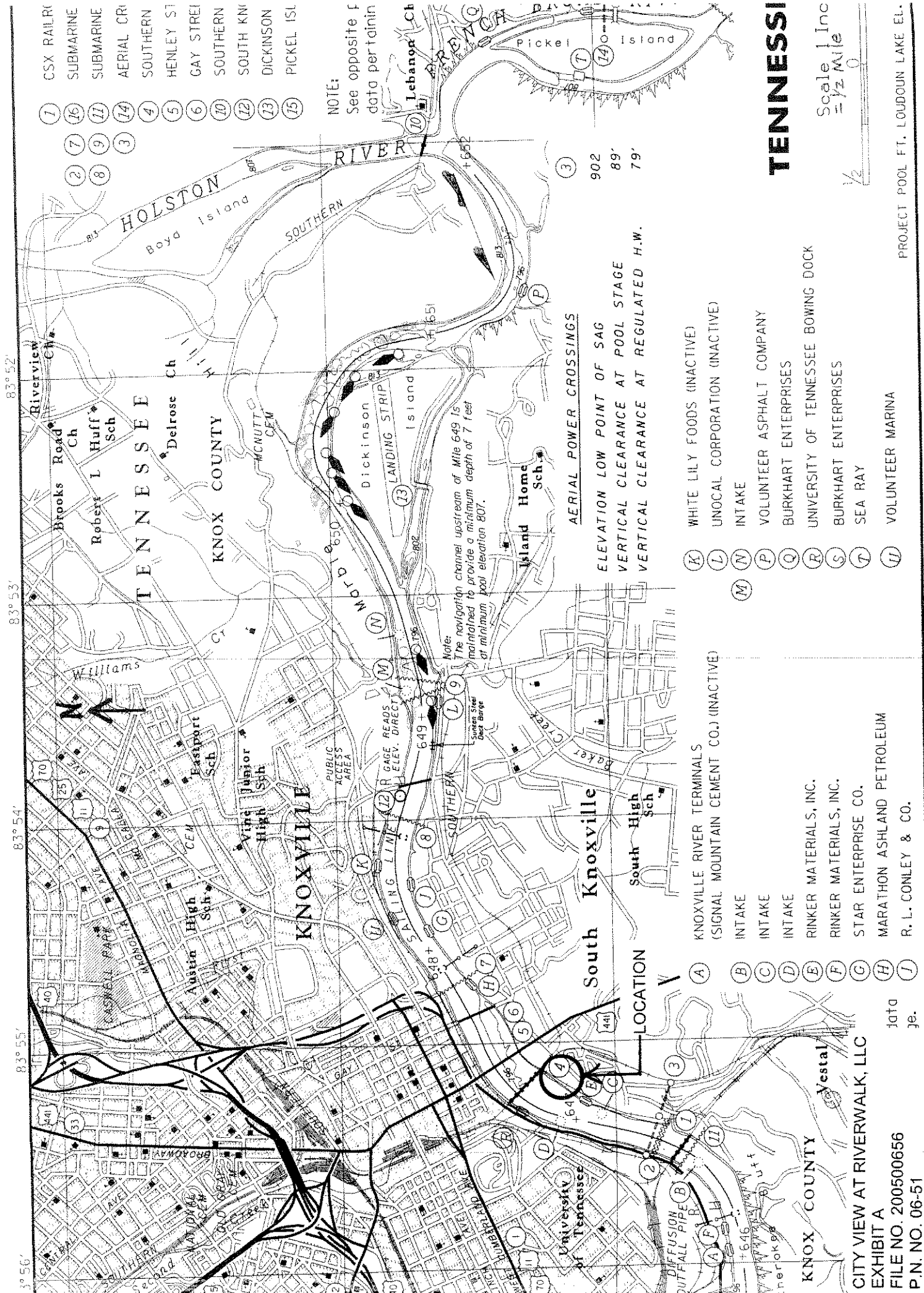
Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. The proposed dredging activity would require an ARAP from TDEC. In addition, the proposed bank stabilization activity must comply with the terms and conditions of TDEC's General Permit for this activity established under the requirements of the Tennessee Water Quality Control Act of 1977 (T.C.A. § 69-3-101 et seq).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before June 15, 2005, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to the Little Tennessee Watershed Team, Attn: Ms. Janet L. Duffey, 260 Interchange Park Drive, Lenoir City, Tennessee, 37772. Information about TDEC's permit requirements can be obtained from the Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.



TENNESSEE

Scale 1/2 Mile
1/2

PROJECT POOL FT. LOUDOUN LAKE EL.

NOTE:
See opposite f
data pertain

AERIAL POWER CROSSINGS
ELEVATION LOW POINT OF SAG
VERTICAL CLEARANCE AT POOL STAGE
VERTICAL CLEARANCE AT REGULATED H.W.

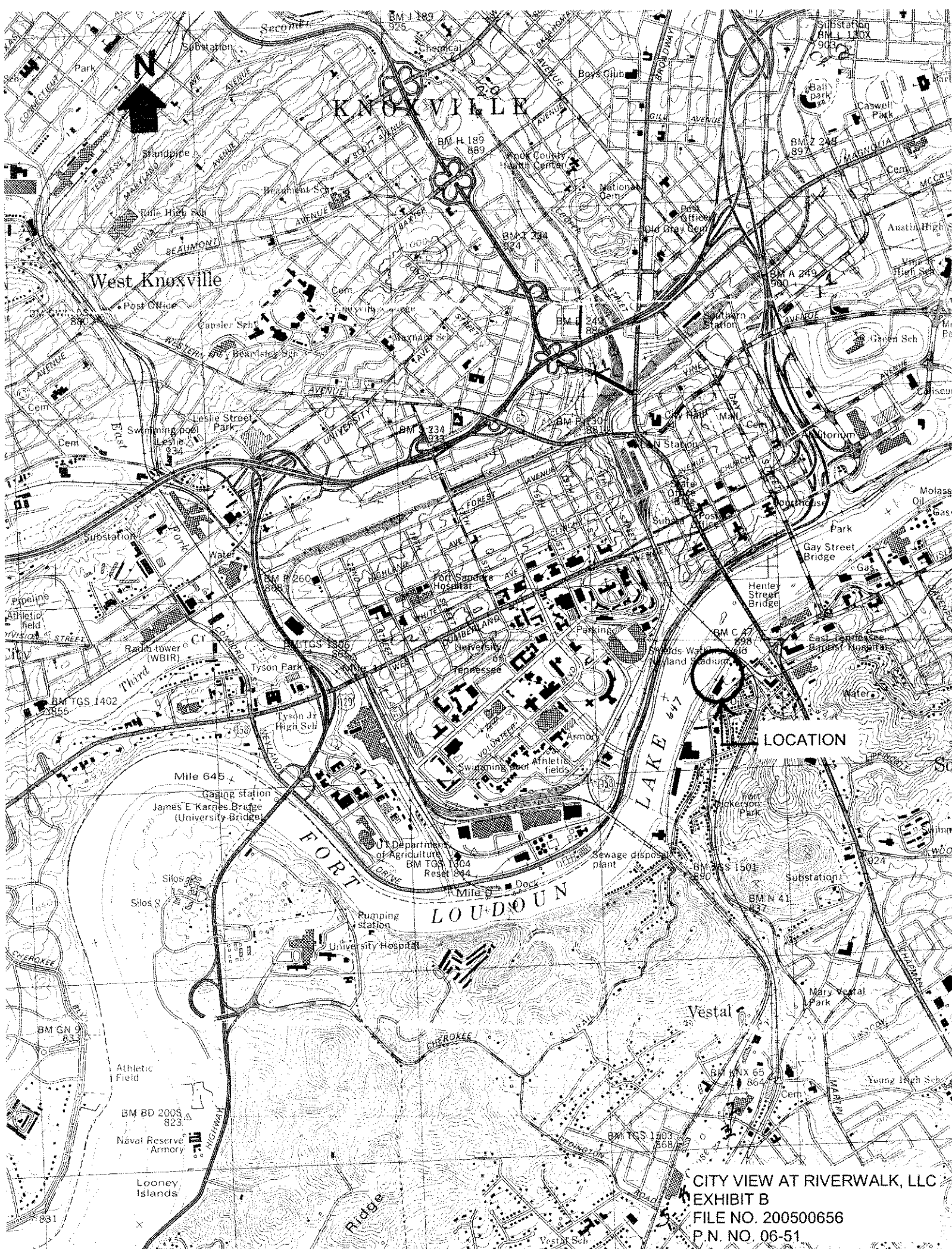
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- (L) UNOCAL CORPORATION (INACTIVE)
- (M) INTAKE
- (N) VOLUNTEER ASPHALT COMPANY
- (P) BURKHART ENTERPRISES
- (Q) UNIVERSITY OF TENNESSEE BOWING DOCK
- (R) BURKHART ENTERPRISES
- (S) SEA RAY
- (T) VOLUNTEER MARINA

- (A) KNOXVILLE RIVER TERMINALS
(SIGNAL MOUNTAIN CEMENT CO.) (INACTIVE)
- (B) INTAKE
- (C) INTAKE
- (D) INTAKE
- (E) RINKER MATERIALS, INC.
- (F) RINKER MATERIALS, INC.
- (G) STAR ENTERPRISE CO.
- (H) MARATHON ASHLAND PETROLEUM
- (I) R. L. CONLEY & CO.

KNOX COUNTY

CITY VIEW AT RIVERWALK, LLC
EXHIBIT A
FILE NO. 200500656
P.N. NO. 06-51

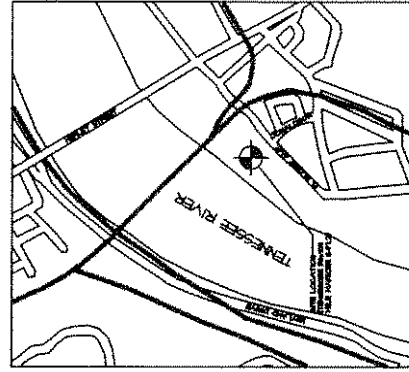
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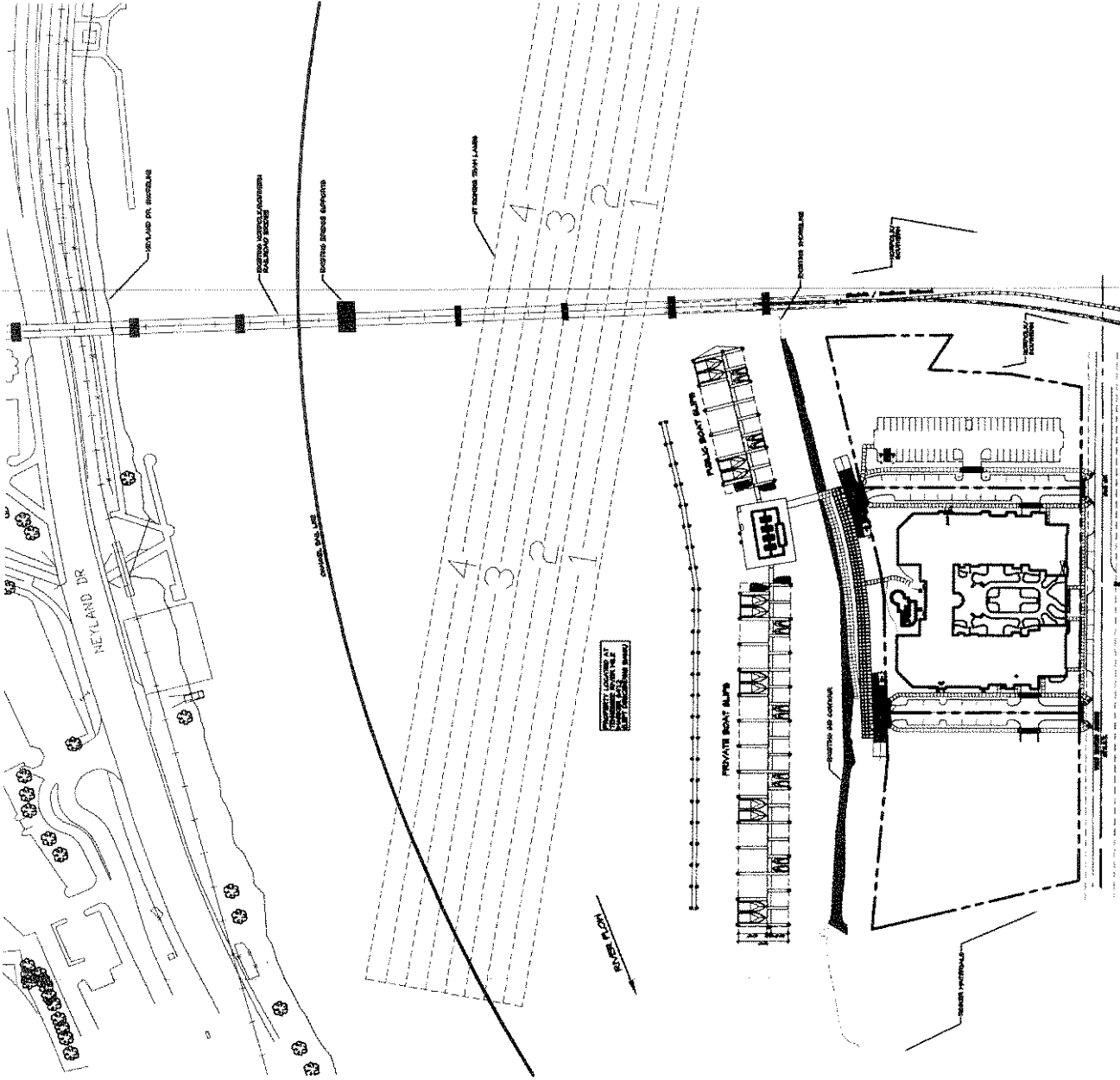
CITY VIEW AT RIVERWALK, LLC
EXHIBIT B
FILE NO. 200500656
P.N. NO. 06-51

CITY VIEW AT RIVERWALK, LLC
EXHIBIT C
FILE NO. 200500656
P.N. NO. 06-51

REES/DESIGN ASSOCIATES, P.C.
ARCHITECTURE • PLANNING • INTERIORS
2995 PHARR COURT SOUTH SUITE 1
ATLANTA, GEORGIA 30305 (404)240-9299



VICINITY MAP



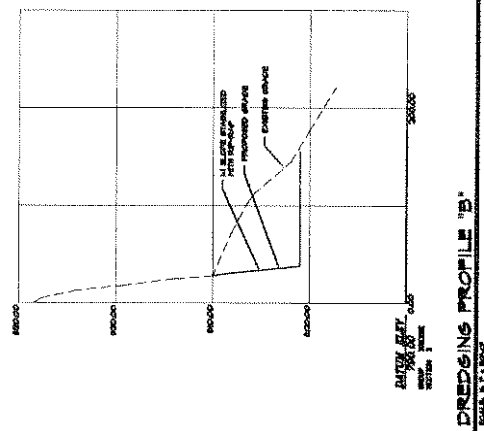
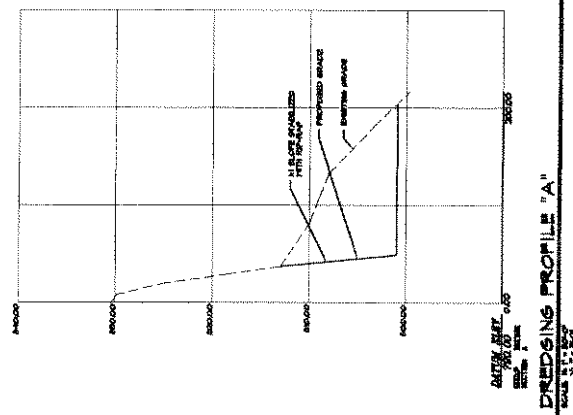
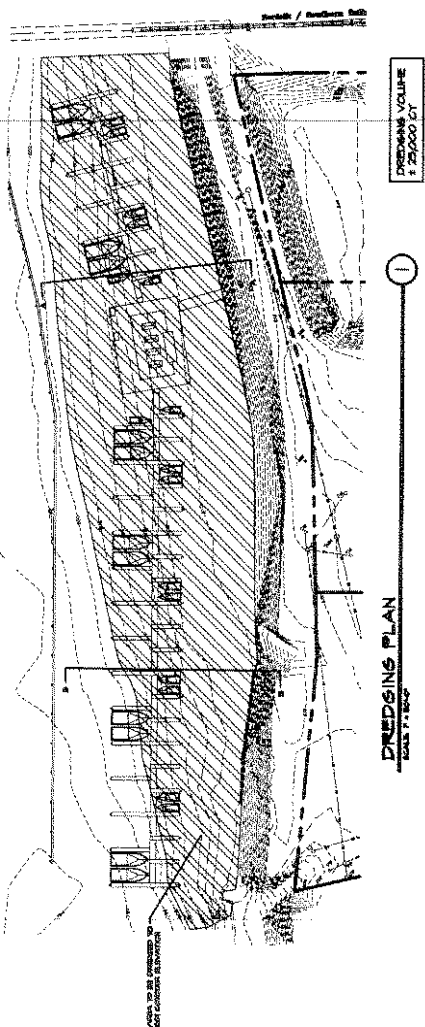
OVERALL SITE PLAN



50

PROPOSED MARINA DREDGINGS

THE U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT, HAS BEEN AUTHORIZED TO DREDGE AND DEPOSIT 100,000 CUBIC YARDS OF SAND AND GRAVEL IN THE MARSHES OF EAST HAVEN, CT. THE DREDGINGS WILL BE USED TO IMPROVE THE MARSHES AND TO PROVIDE A MARINA FOR THE NEW YORK STATE MARINE FORCE. THE DREDGINGS WILL BE USED TO IMPROVE THE MARSHES AND TO PROVIDE A MARINA FOR THE NEW YORK STATE MARINE FORCE. THE DREDGINGS WILL BE USED TO IMPROVE THE MARSHES AND TO PROVIDE A MARINA FOR THE NEW YORK STATE MARINE FORCE.



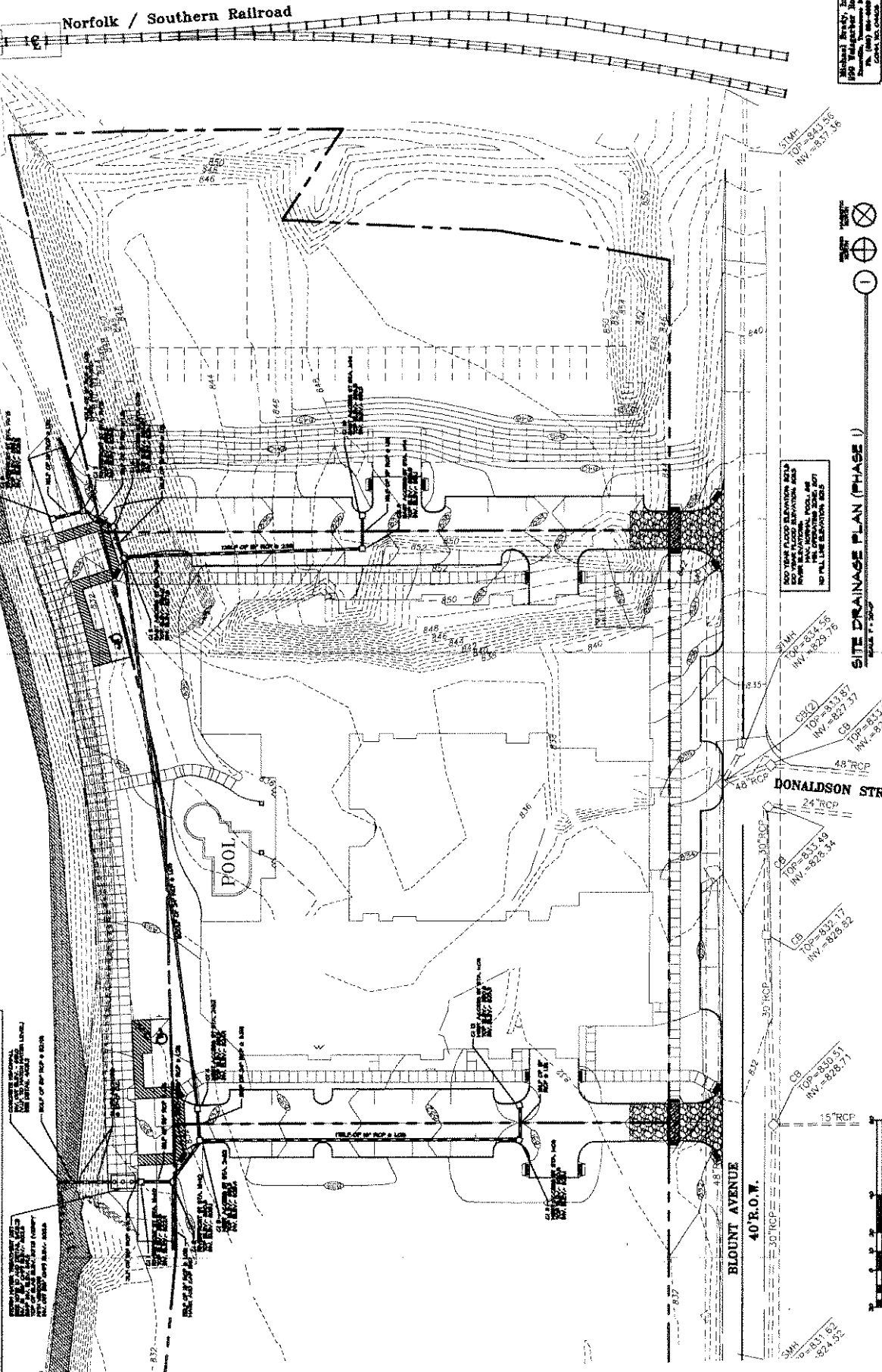
CITY VIEW AT RIVERWALK, LLC
EXHIBIT G
FILE NO. 200500656
P.N. NO. 06-51

SITE DRAINAGE LEGEND

SYMBOL	DESCRIPTION
(Solid line)	PROPERTY LINE
(Dashed line)	EXISTING DRAINAGE
(Dotted line)	PROPOSED DRAINAGE
(Circle with cross)	MANHOLE
(Circle with dot)	STORM SEWER
(Circle with cross and dot)	STORM SEWER MANHOLE
(Circle with cross and dot, larger)	STORM SEWER MANHOLE (24" RCP)

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

- SITE DRAINAGE NOTES**
1. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 2. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 3. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 4. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 5. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 6. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 7. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 8. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 9. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.
 10. DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS, DIVISION OF STREETS AND SANITATION, STANDARD SPECIFICATIONS FOR CONSTRUCTION OF STREETS AND SANITATION.



SITE DRAINAGE PLAN (PHASE I)
DATE: 7/20/06
DRAWN: J. B. BROWN
CHECKED: J. B. BROWN
APPROVED: J. B. BROWN

40" R.O.W.
BLOUNT AVENUE
DONALDSON STR
NORFOLK / SOUTHERN RAILROAD

REES/DESIGN ASSOCIATES, P.C.
ARCHITECTURE • PLANNING • INTERIORS
2955 PHARR COURT SOUTH
SUITE 1
ATLANTA, GEORGIA 30305 (404)240-9299

KNOXVILLE

DATE: 07/20/06
DRAWN: J. B. BROWN
CHECKED: J. B. BROWN
APPROVED: J. B. BROWN

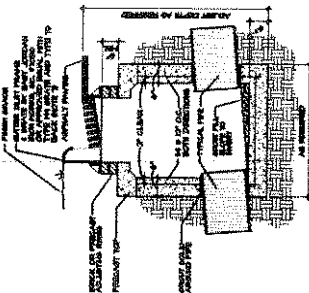
DATE: 07/20/06
DRAWN: J. B. BROWN
CHECKED: J. B. BROWN
APPROVED: J. B. BROWN

DATE: 07/20/06
DRAWN: J. B. BROWN
CHECKED: J. B. BROWN
APPROVED: J. B. BROWN

Michael Brady, Inc.
1900 Washington Road
N.W.
Atlanta, GA 30309
404.525.1111

NOTES

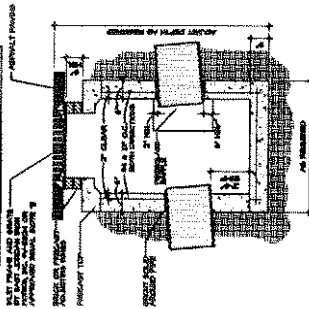
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CATCH BASIN (C1) DETAIL
SCALE: 1/4\"/>

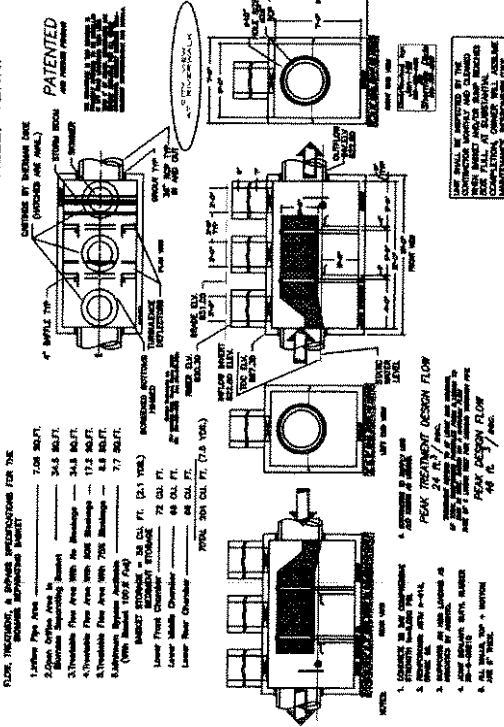
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1. PROVIDE 1/2" MIN. CLEARANCE BETWEEN ALL PARTS OF THE UNIT.
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9. PROVIDE 1/2" MIN. CLEARANCE BETWEEN ALL PARTS OF THE UNIT.
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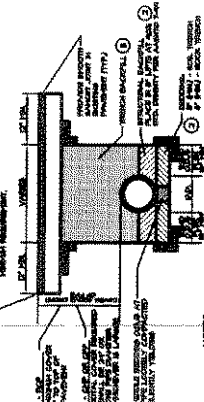


CATCH BASIN (C2) DETAIL
SCALE: 1/4\"/>

SUNTREE TECHNOLOGIES MODEL NO. NSSB 6-12-B4 CVR-1 KNOXVILLE, TENN.



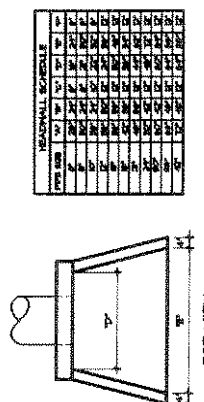
STORM WATER TREATMENT UNIT DETAIL
SCALE: 1/4\"/>



NOTES

1. PROVIDE 1/2" MIN. CLEARANCE BETWEEN ALL PARTS OF THE UNIT.
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DRAINAGE TRENCH DETAIL
SCALE: 1/4\"/>



NOTES

1. PROVIDE 1/2" MIN. CLEARANCE BETWEEN ALL PARTS OF THE UNIT.
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10. PROVIDE 1/2" MIN. CLEARANCE BETWEEN ALL PARTS OF THE UNIT.

CONG. HEADWALL DETAIL
SCALE: 1/4\"/>

ITEM	QTY	UNIT	PRICE
1	1	CONG. HEADWALL	120.00
2	1	DRAINAGE TRENCH	80.00
3	1	CATCH BASIN (C1)	150.00
4	1	CATCH BASIN (C2)	150.00
5	1	STORM WATER TREATMENT UNIT	250.00
6	1	GRATE	20.00
7	1	GRATE	20.00
8	1	GRATE	20.00
9	1	GRATE	20.00
10	1	GRATE	20.00

KNOXVILLE

REES/DESIGN ASSOCIATES, P.C.
ARCHITECTURE • PLANNING • INTERIORS
2865 PHARR COURT SOUTH SUITE 1
ATLANTA, GEORGIA 30305 (404)240-9289

DUMP NO. 1
WASTE
DRAINS TO RIVER



TYP. CATCH BASIN SYMBOL
SCALE: 1/4\"/>

CITY VIEW AT RIVERWALK, LLC
EXHIBIT H
FILE NO. 200500656
P.N. NO. 06-51

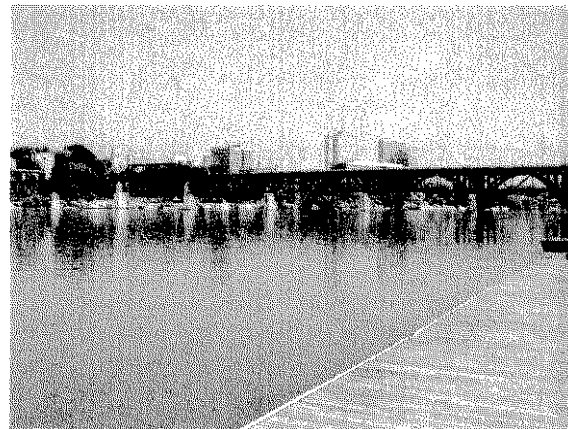
Project: J. Corbin, J. J. J.
2005
Knoxville, Tennessee 37615
P. (404) 240-9289
CITY OF KNOXVILLE

03.2

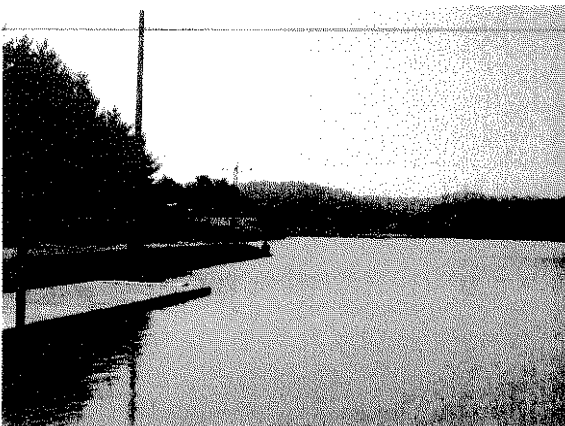
Appendix C
Inspection Photographs



Upstream view from exist. Knoxville
Rowing Club floating dock



Looking upstream from same dock



Downstream view from property end

CAMDEN MANAGEMENT PARTNERS
File No. 200500656
30 September 2004



From property looking upstream
following shoreline



Downstream view following shore
towards Rinker's Dock

CITY VIEW AT RIVERWALK
File No. 200500656
1 September 2006

Appendix D
Public Comments

Hernandez, Jose R LRN

From: Ligon, Benton W LRN
Sent: Friday, May 13, 2005 1:09 PM
To: Hernandez, Jose R LRN
Cc: Elliott, Catherine B LRN
Subject: Response to Public Notice No. 05-18, April 14, 2005

Rueben,

I thought I should respond to this notice concerning the design of the Marina as it is in the notice. As a result of our onsite inspection on April 11, 2005 we felt some needed changes to the plans were as follows:

1. On the upper end, the last row of slips we said that the outer four slips should be removed from the plans because they interfere with the Knoxville Rowing course which is already permitted.
2. The next set of slips should have the outer two slips removed also as to not to interfere with the rowing course.
3. I also feel that the developers should be made aware that every time the course is in use for races and practicing that no boats will be allowed to cross the course. More than likely there will be a safety zone put around the course. So anyone wanting to get their boat out will have to know the schedules of the events and plan accordingly.
4. With this marina being so close to this racing course safety will be a top priority!
5. Also there will be no "No Wake" zones along the main channel unless deemed so by the U.S. Coast Guard. This will probably apply during rowing events.

Thanks for the opportunity to respond. If you have any questions call me at 615/736-7802.

Wayne Ligon
Navigation Branch

→ 12#
62
4/30



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

April 25, 2005

Mr. J. Ruben Hernandez
U.S. Army Corps of Engineers, Nashville District
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

RE: COE-N, PN# 05-18/MARINA & STAB/TRM 647.2L, KNOXVILLE, KNOX COUNTY

Dear Mr. Hernandez:

The above-referenced undertaking has been reviewed with regard to National Historic Preservation Act compliance by the participating federal agency or its designated representative. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

In order to complete our review of this undertaking, this office will need to receive from you a detailed archaeological survey report on the area of potential effect. A list of individuals and organizations which have indicated a desire to work in Tennessee is available at <http://www.state.tn.us/environment/hist/pdf/archaeol.pdf>. This list is solely for the convenience of persons or firms seeking archaeological services. It does not indicate nor imply any sanction, certification, or approval by the State of Tennessee.

Upon receipt of the survey report, we will complete our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not funded by the federal agency. Questions and comments may be directed to Jennifer M. Barnett (615) 741-1588, ext. 17.

Your cooperation is appreciated.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jmb

APR 28 2005



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

June 5, 2006

Mr. J. Ruben Hernandez
U.S. Army Corps of Engineers, Nashville District
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

RE: COE-N, ARCHAEOLOGICAL ASSESSMENT, PN# 06-51/CITY VIEW AT RIVERWALK,
KNOX, KNOXVILLE COUNTY, TN

Dear Mr. Hernandez:

At your request, our office has reviewed the above-referenced archaeological survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided in the previously reviewed archaeological report, we concur that the project area contains no archaeological resources eligible for listing in the National Register of Historic Places.

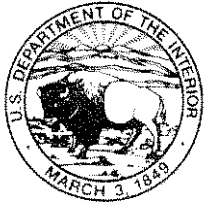
If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jmb



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

May 13, 2005

Lt. Colonel Byron G. Jorns
District Engineer
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214

Attention: Mr. J. Ruben Hernandez, Regulatory Branch

Subject: Public Notice No. 05-18. Camden Management Partners, Proposed Commercial Marina and Bank Stabilization at Tennessee River Mile 647.2, Left Bank, Knox County, Tennessee.

Dear Colonel Jorns:

Fish and Wildlife Service personnel have reviewed the subject public notice. The proposed project would involve the construction of a commercial marina and maintenance of approximately 847 feet of riprapped shoreline in connection with a proposed condominium development at Tennessee River Mile 647.2, left bank, Knox County, Tennessee. The proposed marina would consist of 204 covered boat slips, transient docking, and a 2,400 square-foot ship store/rowing boathouse. The dock would contain slips measuring 20 feet wide by 24-28 feet deep. The applicant also proposes to install 125 cubic yards of riprap along 847 feet of shoreline to repair the existing bank stabilization. The following constitute the comments of the U.S. Department of the Interior, provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the action that may affect listed species or critical habitat in a manner not previously considered,

(2) the action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the action.

We do not anticipate significant adverse impacts to fish and wildlife or their habitats as a result of this project. Therefore, the Service has no objection to the issuance of a permit for the work described in the subject public notice.

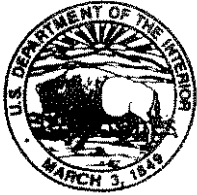
Thank you for this opportunity to review the subject notice. Please contact Robbie Sykes of my staff at 931/528-6481 (ext. 209) if you have questions about these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. Barclay". The signature is fluid and cursive, with the first name "Lee" and last name "Barclay" clearly distinguishable.

Lee A. Barclay, Ph.D.
Field Supervisor

xc: Robert Todd, TWRA, Nashville, TN
Dan Eagar, TDEC, Nashville, TN
Darryl Williams, EPA, Atlanta, GA
Ella Guinn, TVA, Lenior City, TN



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

June 7, 2006

Lt. Colonel Byron G. Jorns
District Engineer
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214

Attention: Mr. J. Ruben Hernandez, Regulatory Branch

Subject: Public Notice No. 06-51. Camden Management Partners, Proposed Commercial Marina, Dredging, Bank Stabilization, and Stormwater Outfall at Tennessee River Mile 647.2, Left Bank, Knox County, Tennessee.

Dear Colonel Jorns:

Fish and Wildlife Service personnel have reviewed the subject public notice. The proposed project would involve the construction of a commercial marina, dredging, and maintenance of approximately 847 feet of riprapped shoreline in connection with a proposed condominium development at Tennessee River Mile 647.2, left bank, Knox County, Tennessee. The proposed marina would consist of 96 covered boat slips, a 2,400-square-foot ships store/rowing boathouse, and future fueling and sewage pump-out facilities. The dock would contain slips measuring 20 to 32 feet wide by 24 to 40 feet deep. The applicant also proposes to dredge approximately 25,000 cubic yards of bottom material from an area measuring 175 feet wide by 900 feet long and make repairs to 847 linear feet of riprapped shoreline by installing an additional 125 cubic yards of riprap. A 36-inch-diameter concrete discharge pipe would also be installed at the downstream end of the development that would discharge treated stormwater into the river. The following constitute the comments of the U.S. Department of the Interior, provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the

JUN 09 2006

requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the action that may affect listed species or critical habitat in a manner not previously considered, (2) the action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the action.

Our agency is becoming concerned with the increasing number of proposals to dredge shallow-water habitats, which are also public resources, in order to accommodate private boating facilities. Shallow water is an important nursery and forage area for most fish species. The continued loss of these shallow-water areas could eventually cause adverse impacts to the fisheries that utilize them. Therefore, we recommend that the applicant mitigate this loss by the placement of spawning benches and other enhancement techniques near, but outside of, the proposed project area. Personnel with the Tennessee Wildlife Resources Agency can provide the applicant with information regarding designs for spawning benches, spacing and number required, and also other enhancement techniques.

Assuming the applicant agrees to mitigate the loss of shallow-water habitat, the Service would have no objection to the issuance of a permit for the work described in the subject public notice. However, if the applicant does not agree to the above recommendation, we recommend the subject permit be denied.

Thank you for this opportunity to review the subject notice. Please contact Robbie Sykes of my staff at 931/528-6481 (ext. 209) if you have questions about these comments.

Sincerely,

A handwritten signature in cursive script, reading "Lee Barclay".

Lee A. Barclay, Ph.D.
Field Supervisor

xc: Robert Todd, TWRA, Nashville, TN
Dan Eagar, TDEC, Nashville, TN
Darryl Williams, EPA, Atlanta, GA

5212 Riverbriar Rd.
Knoxville, TN 37919
May 4, 2005

Mr. J. Ruben Hernandez
Regulatory Branch
US Army Corp of Engineers, Nashville District
3701 Bell Road
Nashville, TN 37214-2660

Subject: Comments regarding Proposed Commercial Marina and Bank Stabilization at
Mile 647.2, Left Bank, Tennessee River

Dear Mr. Hernandez:

The purpose of this letter is to register my concern regarding the granting of a permit to allow the proposed marina construction.

The design of the proposed facility, which shows boat slips extending approximately 200 feet into the river, effectively narrows the river at this point. At this location, the river is navigable with approximately 10 barges weekly using this section of the river in addition to the Star of Knoxville riverboat that makes at least two trips daily through this section of the river. Narrowing the river would force more watercraft into the existing shipping lanes; thereby increasing the likelihood of a boat/barge collision or accident as a result of the barge wakes.

The proposed marina would essentially triple the number of motorized watercraft within a mile of riverfront. This proposal, if approved, would add 204 motorized boats with permanent slips plus up to 10 additional transient motorized craft. Currently, Volunteer Landing, an existing operating marina, has 99 covered slips plus dock space for an additional 5 to 10 motorized craft and fueling facilities. Downriver from the proposed facility are an additional 18 boat slips plus dock space for an additional 2 to 3 craft. Tripling the number of pleasure boats in this small area significantly increases the amount of oil and gas pollution in the river on a continual basis since these craft are permanently moored in this area. Furthermore, tripling the number of pleasure craft within this small area will substantially increase traffic in this section of the river which, as discussed above, has been narrowed due to the Camden marina docks extending into the river.

There is significant nonmotorized watercraft use of this area of the river. The University of Tennessee Lady Vols crew has a boathouse approximately across the river from the proposed facility. Furthermore, the Knoxville Rowing Club is constructing a rowing facility less than half a mile downriver. The watercraft used in rowing activities is a specially designed, lightweight shell that is designed for use in relatively calm water. Rowing shells represent significant financial investment since costs vary from a few thousand dollars for a single rower shell to a few tens of thousands of dollars for a multi-

05 MAY 2005

rower shell. Wave action, such as that created by the wakes of motorized boats, has been known to swamp, or worse break apart these boats. While motorized craft are legally required to cut their wakes when overtaking and passing a nonmotorized craft, the reality is that the vast majority of the craft using this section of the river fail to do so. Increasing the volume of boat traffic while decreasing maneuvering room at this point of the river is a recipe for loss of life or injury and substantial investment loss.

In summary, I ask the Corps of Engineers to deny the requested permit on the basis of the fact that oil and gas pollution of this section of the river will significantly rise. Also, the ability of nonmotorized craft to successfully navigate this section of the river, that would be effectively narrowed by the construction of the proposed facility thereby threatening the public health and safety.

Thank you for considering my concerns.

Sincerely,



Ann H. Hansen

May 5, 2005
4111 Fulton Rd.
Knoxville, TN 37918

U.S. Army Corp of Engineers
Regulatory Branch
3701 Bell Rd.
Nashville, TN 37214-2660

12 2 MAY 2005

Dear Sir:

I am writing out of concern for the use of the Tennessee river in the downtown area of the City of Knoxville. The developer planning to purchase the Knoxville Glove company, Camden Management, has indicated that they plan to build 204 boat slips when they develop that site. The Volunteer Landing has 99 boat slips and 18 new slips are under construction less that a mile downstream. Directly across the river the "Volunteer Navy" moors their boats during the football season.

To add to this river traffic the Star of Knoxville riverboat and commercial barges which move up and down the river daily. Also, the Lady Vols rowing team (currently 10th in the nation) train daily on the same water and hold sprint races with other universities.

If Camden Management is given permission to build the planned boat slips, the addition of 204 motorized craft would severely congest an already crowded water and endanger smaller boats such as rowing shells and kayaks. These slips would directly encroach on the Lady Vols sprint course and limit the rowing team's ability to compete nationally.

The City of Knoxville is interested in developing a pleasant, esthetically pleasing venue to attract people to the waterfront area and the addition of such a large volume of boats would be a deterrent to this goal.

Sir, please take the above-mentioned concerns into account when considering the Camden Management application.

Sincerely,



Jan Kaman

865-687-2960

Member of the Knoxville Rowing Assoc.

2200 Bishops Bridge
Knoxville, TN 37922
May 5, 2005

Mr. J. Ruben Hernandez
Regulatory Branch
US Army Corp of Engineers, Nashville District
3701 Bell Road
Nashville, TN 37214-2660

Subject: Comments regarding Proposed Commercial Marina and Bank Stabilization at
Mile 647.2, Left Bank, Tennessee River

Dear Mr. Hernandez:

The purpose of this letter is to register my concern regarding the granting of a permit to allow the proposed marina construction.

During the years 1999 and 2003, I was a member of the University of Tennessee Lady Vols Rowing Team. When I began my rowing career at the University of Tennessee, we used the Knoxville Glove Company as our primary training facility. During my sophomore year, the rowing team moved into the current training facility on Neyland Drive (which also houses the Tennessee Grill restaurant). Though the Lady Vols no longer use the Knoxville Glove Company property, their location directly across the river from the property ensures their daily use of that same section of Fort Loudon Lake.

The design of the proposed facility, which shows boat slips extending approximately 200 feet into the river, serves to significantly narrow the river at that point. Narrowing the river would force motorized watercraft into the part of the river that the Lady Vols use, and could certainly prove hazardous. Wave action, such as that created by the wakes of motorized boats, has been known to swamp, or worse break apart rowing shells. While motorized craft are legally required to cut their wakes when overtaking and passing a nonmotorized craft, the reality is that the vast majority of the craft using this section of the river fail to do so. Increasing the volume of boat traffic while decreasing maneuvering room at this point of the river is a recipe for loss of life or injury.

In summary, I ask the Corps of Engineers to deny the requested permit in consideration of the Lady Vol Rowers, and all other rowers from the Knoxville Rowing Association. Though I have finished my competitive rowing career, I am still a strong advocate for the health and safety of the women in that program.

Thank you for considering my concerns.

Sincerely,

Sally B. Hunter

12 MAY 2005



EXHIBIT D
FILE NO. 200500656
P.N. NO. 05-18

KNOXVILLE

REES/DESIGN ASSOCIATES, P.C.
ARCHITECTURE • PLANNING • INTERIORS
2956 PHARR COURT SOUTH SUITE 1
ATLANTA, GEORGIA 30306 (404)240-9299

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4111 Fulton Rd.
Knoxville, TN 37918
June 12, 2006

Regulatory Branch
3701 Bell Road
Nashville, TN 37214-2660

Attn: J. Ruben Hernandez

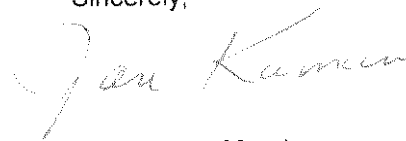
Dear Sir:

Thank you for sending the update on the proposed commercial property at Mile 647.2. In reviewing the current plan I have some reservations in regards to the impact of this project on other users of this section of the river and they are as follows:

1. The number (96) and size of the slips allow for the accommodation of boats up to 40 feet and this will provide greatly increased traffic on the river. With the increase in number of watercraft comes the increased danger to smaller vessels and hand-powered craft. Since there is no regulation regarding wake production the smaller craft are at great risk of being swamped. I would strongly suggest the number of boats be limited to less than 50 and curtailed in regards to size.
2. The fueling and sewage pump proposed to be located on the dock are a potential source of pollution and place those downstream at risk. If possible those facilities should be located on the shore, not on the dock to avoid possible spills and water contamination.
3. The dredging proposed to improve navigation depths will create turbidity for those activities downstream, especially the docks and marina within 1 mile of the project. If the project prohibited the large boats less dredging would be required.

I present these suggestion in the hope that you will consider the impact of this project on all river uses, including recreational boating and university rowing activities.

Sincerely,



Jan Kaman, Member
Knoxville Rowing Association

JUN 15 2006

LAW OFFICES

FRANTZ, McCONNELL & SEYMOUR, LLP

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REGGIE E. KEATON
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Email: ajseymour@fmsllp.com

OFFICE ADDRESS:

SUITE 500

550 W. MAIN AVENUE

KNOXVILLE, TENNESSEE 37902

FAX 865/637-5249

May 12, 2005

Via Federal Express

Mr. Jay Rubin Hernandez

U.S. Army Corps of Engineers

Nashville District

Regulatory Branch

3701 Bell Road

Nashville, TN 37214-2660

Re: Application No. 200500656
Public Notice No. 05-18
April 14, 2005

Dear Mr. Hernandez:

This letter is written on behalf of our client, Rinker Materials South Central, Inc. in connection with the above-captioned application filed apparently by Camden Management Partners of Atlanta, Georgia. The applicant proposes to construct a commercial marina and do bank stabilization maintenance at mile 647.2, left bank of the Tennessee River.

Our client, Rinker Materials South Central, Inc., formerly American Limestone Company, maintains a barge terminal at mile 647.0, left bank, Tennessee River, immediately adjacent to the proposed facility. Enclosed is a plat dated June 21, 1989 showing the boundaries of our client's property on which the barge terminal operates.

The purpose of this letter is:

- 1) To notify the applicant and the Corps of the existence of this barge loading facility;
- 2) To encourage the applicant to notify potential users of its marina of the existence of the facility; and
- 3) To request the Corps to insure that no permit is issued that would interfere with the continued operation of this facility.

In reviewing the plan submitted with the Corps' public notice, it appears that there are certain slips at the South end of the marina which could potentially interfere with this use. The

13 MAY 2005

Mr. Jay Rubin Hernandez
May 12, 2005
Page Two

undersigned has contacted the applicant's local representative to discuss this and a meeting with the applicant will be held shortly.

If you have any comments or questions about the enclosed comments, or if the applicant does, please feel free to contact the undersigned.

Thank you for your consideration of our comments.

Very truly yours,



Arthur G. Seymour, Jr.
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:bap
Enc.

cc: Camden Management Partners
Mr. Larry Smith
Mr. Travis Paris
Mr. Louis Cortina

SAWDOX\CLIENTS\54\0099849\correspo\00132193.DOC



June 12, 2006

Mr. Jay Rubin Hernandez
U.S. Army Corps of Engineers
Nashville District
Regulatory Branch
3701 Bell Road
Nashville, TN 37214-2660

Re: Application No. 200500656
Public Notice No. 06-51
May 26, 2006

14 JUN 2006

Dear Mr. Hernandez:

This letter is written to provide comment for the record by Rinker Materials South Central, Inc. in connection with the above-captioned application filed by City View at Riverwalk, LLC of Atlanta, Georgia. The applicant proposes to construct a commercial/private marina and do dredging, bank stabilization, and construction of a stormwater outfall at mile 647.2, left bank of the Tennessee River.

Rinker Materials South Central, Inc. (shown as Rinker Materials, Inc. – E on City View's Exhibit A) has a barge terminal facility at mile 647, left bank of the Tennessee River. This includes a fixed concrete dock immediately adjacent to the downstream end of City View at Riverwalk, LLC property.

Rinker Materials wishes once again to remind the Corps and adjacent owner - City View at Riverwalk, LLC of this facility and the potential of use conflicts by vessels of greatly different size.

Any vessel departing upstream from Rinker's load-in/load-out facility or fleeing from a temporary tie-up at the concrete dock would be in conflict with the downstream slips as shown on City View's drawings (see Drawing C1.4). This would be due to maneuvering needs as the vessels enter the current flows of the river.

Also, any boats using the interior slips at City View on the downstream portion will come very close to Rinker's dock and especially to any vessel tied up there – maneuvering would be tight and very dangerous.

It would also be incumbent that City View take measures to prevent unpermitted use of Rinker's facility by City View's clients after development takes place.

Rinker does not object to City View's application for a marina. Rinker does request the Corps to insure that no permit is issued that would interfere with the continued operation of

SOUTH CENTRAL INC.

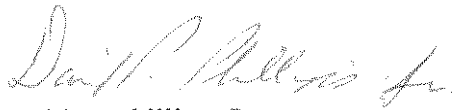
P.O. Box 2389 Knoxville, TN. 37901 865-573-4501 Fax 865-573-9810

Rinker's facility. We believe City View's plans should be modified at the downstream end to prevent interference with Rinker's use of its property. We also believe there should be an indication of steps to be taken to prevent possible trespass onto Rinker's property by City View's clients.

If you have any questions about the enclosed comments, or if the applicant does, please feel free to contact me.

Thank you for your consideration of our comments.

Yours very truly,

A handwritten signature in cursive script, appearing to read "David P. Phillips, Jr.", written in dark ink.

David P. Phillips, Jr.
President
Rinker Materials South Central, Inc.

Cc: Larry Smith



16 MAY 2005

utladyvols.com

May 11, 2005

Mr. J. Ruben Hernandez
Regulatory Branch
US Army Corp of Engineers, Nashville District
3701 Bell Road
Nashville, TN 37214-2660

Subject: Comments regarding Proposed Commercial Marina and Bank Stabilization at
Mile 647.2, Left Bank, Tennessee River

Dear Mr. Hernandez:

The purpose of this letter is to register my concern on behalf of the UT Women's Rowing Team regarding the granting of a permit to allow the proposed marina construction.

The proposed design of the marina facility, which shows boat slips extending approximately 200 feet into the river, will narrow the river extensively. At this location, the UT Women's Rowing program currently holds a permit for their race course. It is narrowly navigated as it exists; currently by squeezing the proposed marina out into the river as designed, an unsafe situation would be created. Currently, we use this particular area of the river for morning and afternoon practices for 80 student-athletes nine months out of the year. Approximately 10 barges per week and The Star of Knoxville riverboat also navigate this particular area. Narrowing the river would force more watercraft into the existing shipping lanes; thereby increasing the likelihood of a boat/barge collision or accident as a result of the barge wakes. If an unsafe situation is created for this combination of large automated vessels and human-powered boats, lives would be at risk.

The proposed marina would essentially triple the number of motorized watercraft within a mile of riverfront. This proposal, if approved, would add 204 motorized boats with permanent slips plus up to 10 additional transient motorized craft. Currently, Volunteer Landing, an existing operating marina, has 99 covered slips plus dock space for an additional 5 to 10 motorized craft and fueling facilities. Downriver from the proposed facility are an additional 18 boat slips plus dock space for an additional 2 to 3 craft. Tripling the number of pleasure boats in this small area significantly increases the amount of oil and gas pollution in the river on a continual basis since these craft are permanently moored in this area. Furthermore, tripling the number of pleasure craft within this small area will substantially increase traffic in this section of the river which,

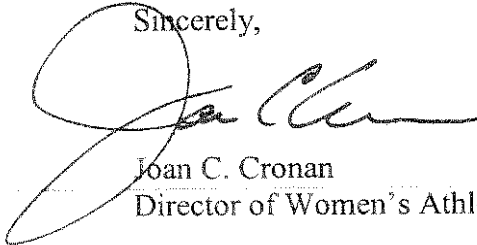
as discussed above, has been narrowed due to the Camden marina docks extending into the river.

Furthermore, the Knoxville Rowing Club is constructing a rowing facility less than half a mile downriver. The watercraft used in rowing activities is a specially designed, lightweight shell that is designed for use in relatively calm water. Rowing at the University of Tennessee represents a significant investment in the both the academic and competitive lives of student-athletes. The City of Knoxville made a similar investment in our rowing program when it approached the University to construct our Boathouse as the west anchor of the River Front development. An increase in the volume of boat traffic and the resulting decrease in maneuvering room, at this point of the river is a concern.

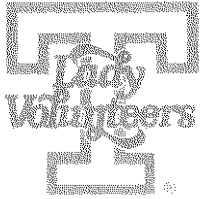
In summary, I ask the Corps of Engineers to consider the above concerns prior to processing the permit. In addition, this request comes as a result of my responsibility for the safety of the student-athletes involved in our rowing program.

Thank you for considering our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan C. Cronan", written over a horizontal line.

Joan C. Cronan
Director of Women's Athletics



June 10, 2006

14 JUN 2006

Mr. J. Ruben Hernandez
Regulatory Branch
US Army Corp of Engineers, Nashville District
3701 Bell Road
Nashville, TN 37214-2660

Subject: Comments regarding Proposed Commercial Marina and Bank Stabilization at
Mile 647.2, Left Bank, Tennessee River

Dear Mr. Hernandez:

We would like to thank you for the opportunity to share our thoughts regarding the proposed marina project. Thru feedback like this we can all be involved in helping to insure that Knoxville, the waterfront in particular, becomes a more beautiful and enjoyable place to be. With these things in mind, I would like to bring to light a few areas of concern regarding the proposed marina project.

The first area of concern is the safety of our student-athletes and other citizens operating human-powered boats. The proposed design of the marina facility, which shows boat slips extending approximately 200 feet into the river, will narrow the river extensively. The UT Women's Rowing program holds a permit for our race course at this location. It is narrowly navigated as it exists; by squeezing the proposed marina out into the river as designed, an unsafe situation would be created. This particular area is used morning and afternoon for practices involving 80 student-athletes nine months out of the year. Approximately 10 barges per week and The Star of Knoxville riverboat also navigate this particular area. At the downstream end of the designed marina, slips and the breaker wall would force more watercraft into existing shipping lanes; thereby increasing the potential for a boat/barge collision or accident as a result of barge wakes. Furthermore, the Knoxville Rowing Association is constructing a rowing facility less than half a mile downriver. The watercraft used in rowing activities is a specially designed, lightweight shell that is designed for use in calm water. If an unsafe situation is created for this combination of large automated vessels and human-powered boats, lives would be at risk.

The second area of concern is the dramatic increase of traffic and pollution in this particular area. The proposed marina would double the number of motorized watercraft

across a mile of riverfront. This proposal, if approved, would add 96 motorized boats with permanent slips. Volunteer Landing, an existing operating marina, currently has 99 covered slips plus dock space for an additional 5 to 10 motorized craft and fueling facilities. Downriver from the proposed facility are an additional 18 boat slips plus dock space for an additional 2 to 3 craft. Doubling the number of pleasure boats in this small area significantly increases the amount of oil and gas pollution since these craft are permanently moored in this area. Traffic will be substantially increased in this area not only because of the increased number of boats, but because the waterway will have been narrowed due to the Camden marina docks extending into the river. The fuel and bilge pumping station at this location represents our final concern. Since there is already a marina less than a quarter of a mile upstream with these amenities, it is unnecessary to have an additional hazard directly across from our boathouse and on the "practice waters" for our team.

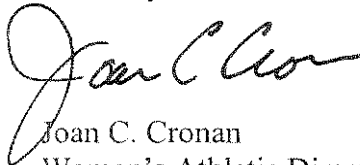
We have verbally expressed our concerns to Camden representatives and have asked them to reduce the marina, by three slips on both sides of the dock at the downstream end, and shorten the breaker wall in an effort to remain as parallel as possible to the bank line.

Rowing at the University of Tennessee represents a significant investment in the both the academic and competitive lives of student-athletes. The City of Knoxville made a similar investment in our rowing program when it approached the University to construct our Boathouse as the west anchor of the River Front development. An increase in the volume of boat traffic, and the resulting decrease in the safe maneuverability of rowing shells, potentially turns an asset to the riverfront community into a risk.

In summary, I ask the Corps of Engineers to consider the above concerns prior to processing the permit. This request comes as a result of my responsibility for the safety of the student-athletes involved in our rowing program.

Thank you for considering our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan C. Cronan". The signature is fluid and cursive, with the first name "Joan" being the most prominent part.

Joan C. Cronan
Women's Athletic Director

Bryan C. Hathorn, Ph.D.
2006 Cypresswood Lane
Knoxville, TN 37932

7/16

Mr. J. Ruben Hernandez
US Army Corp of Engineers
Nashville District
Regulatory Branch
3701 Bell Road
Nashville, TN 37214-2660

Dear Mr. Hernandez:

The following is a response to the Public Notice 05-18, Application 200500656, pursuant to development of the south bank of the Tennessee River (Fort Loudoun Lake) in Knoxville (at mile 647.2 on the left bank). The development has been proposed by Camden Management Partners of Atlanta, GA.

The permitting process depends on the development being in the public interest. The scope of the public interest (which presumably consists of a possible increase of the tax base of the property in addition to more boat slips on the river) of the current project is grossly outweighed by harmful effects to the waterfront region. In particular, the design elements in the plan (the marina) are already available within a short distance upstream or downstream. In addition, the size of the marina is so large as to create a bottleneck in the river sufficient to interfere with river traffic.

In addition, there are numerous environmental and traffic congestion issues which the proposed project would create. The negative impacts of the project have been broken down into general classes: environmental concerns, navigation, land use and recreation. These areas of concern couple to a fundamental area of importance: river safety. A summary of each of these negative impacts is presented below.

Environmental Concerns

The addition of a massive marina in the proposed area will certainly have a major impact to the local ecology. Although every attempt will certainly be made to prevent mishaps, there will undoubtedly be fuel spills and release of petroleum products into the river. In addition, there will likely be more trash and other debris making its way into the river due to heavy usage by environmentally insensitive populations. No matter what the level of policing and enforcement, these effects are inevitable.

The waterfront development will displace a number of animals which inhabit the riverfront area. In addition to the usual ducks and geese, there is a beaver which lives on the riverbank behind the existing dock. (It was observed and identified by Shelley Newman of the University of Tennessee veterinary school—it is unusual in that it lives on the riverbank not in the traditional wooden lodge, and was distinguished from muskrats and nutria by the typical broad tail.) On the bluff over the proposed area there is a fox which resides on the property. Upstream and downstream of the subject area there is habitat which is used by herons, osprey and waterfowl. The increased boat traffic is certain to disturb these species. While many of these species may not be endangered, they contribute to the quality of waterfront life.

Navigation

The navigation of traffic on the riverfront is certain to be impacted by a marina of the size and scope presented. The marina, as designed, consists of 204 boat slips—more than twice the size of nearby facilities. (Volunteer Landing marina located directly upstream of the proposed development has 99 slips.)

The proposed marina extends far beyond the current small dock into the river. As is evident in the diagram the actual marina impinges upon navigation lanes in the river. Traffic patterns of boats entering and leaving the marina, not evidenced on the diagram, will naturally be into the shipping lanes. The marina will effectively narrow the width of the river forcing river traffic closer to the existing Lady Vols boathouse and docks. Since the craft which typically use these docks are fragile non-motorized small craft it will present a safety hazard.

In addition, because of the placement of the marina close to the upstream bridge, small boats which currently use the spans closest to the south bank will be forced under the central spans into the major river traffic including large watercraft and barges. This increases the possibilities of collisions of small boats with larger craft (or small craft being washed over with wakes from large craft).

The Camden Partners have noted that the existing dock on the site is used by the UT Crew club team. They have neglected to mention that the dock is owned and used extensively by rowers from the Knoxville Rowing Association (KRA)—a non profit corporation which promotes rowing as a sport in the Knoxville area. While there are boats that come and go from this dock, the small shells tend to dock parallel to the bank and dock, and thus do not enter and leave the dock into shipping lanes. Furthermore, because of the fragile nature of the shells, they are not stored in the water as craft for the new marina will be and thus do not extend out into the river and narrow the effective width of the river.

Land Use

While not directly associated to the development of the waterfront, there are significant land use impacts which are likely to occur with such a large marina. The road where the development site is currently located is a narrow road, with access to the major traffic routes in the south Knoxville area requiring passage under one lane railroad bridges. These underpasses are insufficient for the level of traffic which will be generated by a large development, and will cause traffic congestion to spread across the Henley Street Bridge into downtown Knoxville and south along the Chapman Highway. In the other direction, to get to Cherokee Bluff and Alcoa Highway, one must go under a one lane railroad bridge on Scottish Pike. This route would take major traffic through residential neighborhoods.

Recreation

The greater Knoxville area is nationally known as a rowing Mecca, with a number of clubs and regattas hosted in the area. The Lady Vols rowing team has its boathouse directly across the river from the proposed development. The effective narrowing of the river will at a minimum require elimination of part, if not all, of the Lady Vols race course. The addition of hundreds of new motorized watercraft will certainly make the riverfront a more dangerous place for non-motorized craft. Drivers of motorized craft on the river, despite regulations to the contrary, do not cut their motors when approaching a small craft. On occasion the wakes generated have been known to swamp small craft, creating a boating hazard and increasing the likelihood of personal injury or death by drowning.

Summary

While the proposed development may provide some benefits to the community in terms of a larger tax base and additional boat slips on the riverfront, the environmental impacts and the navigation and safety concerns which a large marina presents far outweigh the positive aspects of the development. A large marina (more than twice the size of comparable facilities on the waterfront) which interferes with shipping and recreation on the river is unnecessary—particularly given the proximity to two other marinas with boat slips. The proposed marina will effectively triple the amount of boat traffic in the region while effectively narrowing the waterway. The combination of increased river traffic and a narrower river increases the chances of boating accidents resulting in serious injuries or drowning.

Consideration of these facts leads me to the conclusion that the riverfront development, as proposed, is not in the public interest. While development of the south bank is inevitable, the public interest calls for responsible development of this resource. While not in favor any new marina on the river, if a marina is necessary to make for a viable economic development, I would suggest a marina not exceeding a total of 15-20 boat slips.

Regards,

Bryan C. Hathorn





TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

May 20, 2005

J. Ruben Hernandez
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

23 MAY 2005

Re: Public Notice #05-18
Applicant: Camden Management Partners
Proposed Construction a Facility Consisting of Approximately 204 Covered Boat Slips,
Transient Docking, and a 2,400 Square Foot Ship Store/Rowing Boathouse
Mile 647.2, Left Bank, Tennessee River (Fort Loudoun Lake), in Knoxville
Knox County, Tennessee

Dear Mr. Hernandez:

The applicant proposes to construct a commercial marina involving the installation of a maximum of 204 covered boat slips, transient docking, a 2,400 square foot store/rowing boathouse, and approximately 125 cubic yards of riprap to repair the existing bank stabilization along 847 feet of shoreline.

The Tennessee Wildlife Resources Agency is concerned that if the marina is permitted, a minimum no-wake zone and probably a wave break structure will have to be incorporated into the permit conditions to address boating safety issues.

We thank you for the opportunity to comment on this permit application.

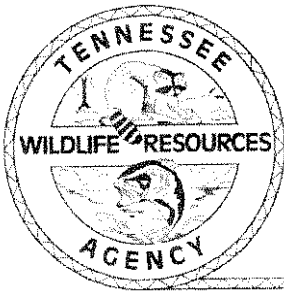
Sincerely,

Robert M. Todd
Fish and Wildlife Environmentalist

cc: Rob Lindbom
Bob Nichols
Ed Carter
USFWS, EPA, WPC

The State of Tennessee

AN EQUAL OPPORTUNITY EMPLOYER



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

June 13, 2006

J. Ruben Hernandez
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

14 JUN 2006

Re: Public Notice #06-51
Applicant: City View at Riverwalk, LLC
Proposed Dredging of Approximately 25,000 Cubic Yards of Bottom Material for the
Construction of a Commercial and Private Marina, the Installation of a
Stormwater Outfall Structure, and Maintenance of the Ripped Shoreline
Tennessee River Mile 647.2, Left Bank, Fort Loudoun Lake in Knoxville
Knox County, Tennessee

Dear Mr. Hernandez:

The applicant proposes to excavate approximately 25,000 cubic yards of material from Fort Loudoun Lake in Knox County for the construction of a commercial and private marina. The proposed project will also require the maintenance of 847 feet of ripped shoreline and the installation of a stormwater outfall.

The Tennessee Wildlife Resources Agency continues to have concerns about the cumulative loss of shallow water habitat due to excavation for boat access and marina facilities. There appears to be an increasing number of these requests for excavation. Shallow water habitat is the most productive habitat in lentic waters. Shallow water habitat is utilized as nursery areas for fish and foraging areas for turtles and wading birds. The excavation for this marina would result in a permanent loss of shallow water habitat.

It is the opinion of the Tennessee Wildlife Resources Agency that the applicant should mitigate for the permanent loss of shallow water habitat. Enhancement activities such as the construction and placement of spawning benches would partially mitigate for the loss of the shallow water habitat by partial replacement of function. If enhancement activities are to be employed for this mitigation, we recommend a 4:1 ratio by acreage. Information provided in the public notice indicates that approximately 3.62 acres of shallow water habitat (175 feet by 900 feet) will be impacted by this project. We currently recommend that spawning benches be placed 100 feet apart at suitable depth with suitable substrate and on points. Given the configuration of the impact area due to the project, we recommend that 8 spawning benches be installed per acre of enhancement activity or in this case; the applicant should be required to construct and install 116 spawning benches (3.62 acres of impact times 4:1 mitigation ratio = 14.46 times 8 spawning benches per acre = 115.7 spawning benches) to mitigate by enhancement for the permanent loss of shallow water habitat associated with this project. The location and placement of these

The State of Tennessee

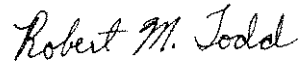
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structures should be coordinated with TWRA Region IV fisheries personnel (telephone number: 423-587-7037) to ensure the best results. We can provide information on fish spawning bench construction and placement upon request.

The Tennessee Wildlife Resources Agency requests that this permit be held in abeyance until the applicant agrees to mitigate for the permanent loss of shallow water habitat. If the applicant fails to agree to the above condition, we request that the permit be denied.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. Todd".

Robert M. Todd
Fish and Wildlife Environmentalist

cc: Rob Lindbom, Region IV Habitat Biologist
Bob Nichols, Region IV Manager
USFWS, EPA, WPC

Michael Brady Inc.

299 N. Weisgarber Road, Knoxville, TN 37919-4013
(865) 584-0999, Fax: (865) 584-5213, E mail: mbi@mbiarch.com

July 7, 2006

Mr. Ruben Hernandez
Project manager Operations Division
Department of the Army
Nashville District Corp. of Engineers
3701 Bell Road
Nashville, TN 37214

Re: City View Marina
Mile 647.2 Left Bank
Tennessee River
File No. 200500656
MBI Comm. No. 04601

Dear Mr. Hernandez:

This is our written response to the comments you received concerning the public notice associated with our marina project.

The responses below are for the items you listed in the letter dated 6/26/06.

- a) TWRA – Dredging mitigation. The developers agree to mitigation as proposed by Mr. Robert Todd. Indicated a rough dredging area of 3.62 acres. We have calculated an area of 2.96 say 3.0 acres. The developers agree to provide spawning benches in the ratio of 4:1 as requested. 3.0 acres x 4:1 mitigation x 8 spawning benches = 96 benches. If TWRA is agreeable to this number, we request assistance in locating suitable locations in the Knoxville area. If there is any concern on the area or amount of benches, we are available to discuss or meet.
- b) USFWS Shallow Water Habitat concerns. Please see our response to item a. The developers agree to the mitigation as outlined in a.
- c) UT Lady Vols Rowing – Safety concerns. First and foremost, the developers are very concerned with the rower's safety. The following items have been reworked to address their safety concerns:
 - 1. Reduced the number of slips from 204 to 96
 - 2. Original design had 9 points of entry. Now there are two points of entry.
 - 3. A wave break was installed to assist directing boat traffic, diminish the wake at the fueling and pumpout area.
 - 4. Increase the distance from the marina to the closet rowing lane. A minimum of 50'-0 has been maintained as requested.
 - 5. The original configuration extended 280 feet from the bank. The new configuration extends 205 feet from the bank.

6. The marina will be permitted, constructed and maintained under the latest operating and environmental regulations. This facility will be applying for and under TVA's "Clean Marina" guidelines.
 7. The marina management will communicate to the boat owners and operators by written policy, signage, and other means the presence of rowers in the area. We will provide the Lady Vols and any other River users contract numbers. We actively will post event schedules with site signage. We will work with the Coast Guard and any local authorities on boater safety and enforcement. We will maintain safety equipment and environmental clean up materials as required.
 8. The quantity of slips, fueling, pump out facility, and proposed building are all an economic consideration, due to the amount of infrastructure work: dredging, utilities, site prep etc
- d) The developers acknowledge Rinker's concern of the potential vessel conflict and trespassing.
1. The Marina Operator will identify, notify, and post the limits of the City View Marina for all vessel owners and users. This limit will indicate Rinker's property and the Lady Vols Rowing Lanes.
 2. A chain link fence is currently in place at the common property line with the City View Development. This fence will be maintained during construction and not be disturbed by the City View Project. No trespassing signs can be installed if Rinker so requests.
 3. The developer will furnish Rinker with contact names and numbers of appropriate in charge personnel during and after construction to maintain an open communication policy and remedy and concerns and complaints.
- e) Rowers Safety. The developers acknowledge Ms. Jan Kaman's concern safety for rowers. The developer/Operator of the marina will do the following:
1. Post warning signs of rowers in the area.
 2. Post schedules of practice times, regattas or other public rowing and water events.
 3. Provide contact numbers for appropriate personnel to maintain open communication and address any concerns or complaints.

This marina at its current configuration has been endorsed and incorporated into the South Knoxville River Front Study and long term development plan. It is economically not feasible to reduce the slip count to 50. The dredging, parking and infrastructure requirements are such that this cost can not be economically spread across to only 50 slips.

This marina will be built under the most current and restrictive codes and requirements. It is planned to be permitted, constructed and operated under the TVA Clean Marina requirements and the City of Knoxville Environmental Regulations.

The dredging will be performed according to TDEC, Corp of Engineers, and TVA's regulations.

4. Size of vessels. All market indications show a demand for larger vessel docking facilities. From past experience, these boats will remain docked for the majority of their time at the marina.

Mr. Ruben Hernandez
Project manager Operations Division
Department of the Army
Nashville District Corp. of Engineers
July 5, 2006
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In summary the operator of the marina will:

- Post schedules and warnings
- Provide contact numbers for open communication.
- Construct and operate the marina under current codes and requirements including environmental.

We cannot reduce the number of proposed slips.

The developers have approved this response.

Very Truly Yours,
MICHAEL BRADY INC.

Louis J. Cortina, P.E.
Senior Vice President

Cc: John Gumpert – Camden Management

LJC: cml

Appendix E
Knoxville City Council Letter



CAMDEN

PARTNERS

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Ruben Hernandez	John Gumpert
COMPANY:	DATE:
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:
City View	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

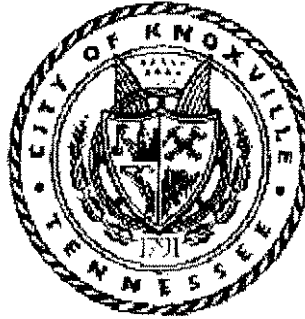
NOTES/COMMENTS:

Ruben:

Enclosed is the letter from The City of Knoxville supporting the marina for your use. Please contact me with any questions.

1465 Northside Drive N.W. - Suite # 116 - Atlanta, GA 30318

T: 404.603.3899 F: 404.603.3898



August 29, 2006

RE: Cityview at River Walk Marina Project, located in Knoxville, Tennessee

To Whom It May Concern,

I am the Chief Operating Officer for the City of Knoxville, Tennessee, with direct oversight of plans review and permitting by the city's Engineering and Building Inspections Divisions. I am also the manager of the Knoxville South Waterfront project. With respect to the City View at River Walk condominium project, I hereby certify the following:

The proposed Cityview marina is consistent with and shown graphically in the Knoxville South Waterfront Vision Plan, adopted by the Knoxville City Council in April 2006. Further, the marina plans required approval of a Use-On-Review application by the Knoxville - Knox County Metropolitan Planning Commission, which was obtained in May 2006.

Sincerely,

David M. Hill
Chief Operating Officer, City of Knoxville